



United States
Department of
Agriculture

Forest
Service

Gallatin National Forest

Yellowstone Ranger District
Livingston Office
5242 Highway 89 South
Livingston, MT 59047

File Code: 5460

Date: March 12, 2013

Alan Lutes
Sheriff
Park County, Montana
414 East Callender Street
Livingston, MT 59047

Dear Alan,

I hope this letter finds you doing well. Hopefully you and I won't have occasion to host any more wildfire meetings this summer! I am writing to keep you in the loop as to a national forest public access issue I am currently working on.

For approximately the last century, and perhaps much longer, a public trail known as the Porcupine-Lowline (AKA Shields-Lowline) has existed in the foothills of the Crazy Mountains. The Trail crosses both public and private lands and has existed and been continuously used by the public for a wide array of recreational and subsistence purposes for decades, if not centuries. Simultaneously, the U.S. Forest Service has actively and continuously invested decades of taxpayer funds into the signage and maintenance of the Trail. The Trail was used by turn-of-the-(last)-century forest rangers stationed in the Ibex, Porcupine, and other historic forest guard stations. These guard stations encircled the Crazy Mountain range—in what was then called the Absaroka National Forest. A 1937 printing of the Absaroka National Forest map hangs in the Ranger Station here in Livingston and clearly shows this public travel route, as well as the historic guard stations it connected.

Sometime in the past several years, private landowners (or their agents) whose land is crossed by the Trail deliberately and adversely blocked public access with gates, no trespassing signs, and orange blazes. Forest Service signs directing public use have been torn down. Attorneys have been involved in recent years, though this issue has not yet gone to trial. In short Alan, I am writing you to affirm the public's legal right to use the Trail at will (without requesting permission from any landowner). The public's use of this trail has been open, notorious, and continuous for more than a century; the Trail likely predates nationhood. Present landowners have attempted to block public access—many say to garner higher fees for hunting access on private lands. The Zimmermans are among landowners with whom we are currently seeking resolution of this issue. My hope is that no citizen would be mistakenly held subject to trespass complaints for use of this longstanding public right of way.

Please call with any concerns.

SINCERELY,

/s/ Alex Sienkiewicz
ALEX SIENKIEWICZ
District Ranger



Caring for the Land and Serving People

Printed on Recycled Paper



Exhibit 6

Sienkiewicz, Alex -FS

From: Sienkiewicz, Alex -FS
Sent: Thursday, March 28, 2013 6:13 PM
To: FS-pdl r1 gallatin yellowstone
Subject: Important-please read

Gang--Do NOT sign in to access the forest (Yellowstone RD) at ANY location on private land. If you would like a letter from me describing my directive to carry in the field, let me know. In short, signing puts public access rights at risk... DO NOT DO IT. One example is Sweet Grass Creek. I will say more next week.--alex



United States
Department of
Agriculture

Forest
Service

Gallatin National Forest

Yellowstone Ranger District
Livingston Office
5242 Highway 89 South
Livingston, MT 59047

File Code: 5460

Date: May 16, 2013

Chloris & Ned Zimmerman
95 Daisy Dean Road
Wilsall, MT 59806

Dear Ned and Ms. Zimmerman,

I began writing you last January and have left multiple phone messages as documented in previous correspondence. Ned responded to me once via telephone (4 March, 2013) promising he would get back to me in early April. This did not occur. The purpose of my communications has been to: 1) Affirm the existence of a public trail easement through your property (the Porcupine Lowline Trail) that has existed for more than a hundred years; and 2) Meet with you to hear your perspective on this matter. I would like to have a rational, neighborly discussion whereby we might avoid a legal dispute that is both costly to you as well as to the American taxpayer.

During the last century, the citizens of the United States have supported the public use and maintenance of this trail through their tax dollars as allocated to the Gallatin National Forest (and previously the Absaroka National Forest) by the United States Congress. I have done extensive research and interviewing of local citizens in the last year and have built a sizable file that I would be happy to show you. Forest Service maintenance of this trail continues despite the destruction of USFS signage and government property that has occurred.

The file includes trail maintenance records; testimony of long histories of use by citizens; historic USFS maps indicating the trail's existence going back a century or more; and communications records with each of you wherein acknowledge a public right of way through your property. I am receiving regular complaints about the locked gate across the public right of way at your property's edge; and am documenting each such complaint by requesting citizens to put their complaint in writing. While I hold no ill feeling toward you, I am entrusted by the American public to steward and protect their national forests. I am paid to do so and will not tolerate illegal actions that harm the public interest. Unless I hear from you in the very near future, I will refer this file to Law Enforcement and Investigations and/or the Office of General Counsel. Again, it is my sincere hope that we can talk this out as neighbors and fellow Montanans rather than getting lawyers involved.

Respectfully,

Alex Sienkiewicz

/s/ Alex Sienkiewicz
ALEX SIENKIEWICZ
District Ranger

sent 05/17/13

vides:

if your mailpiece
kept by the Postal S

ONLY be combined &
available for any cla
COVERAGE IS PR
insider Insured or Re
a Return Receipt t
atum Receipt service
311) to the article and
ce "Return Receipt R
ceipt, a USPS post

fee, delivery may
zed agent. Advise th
titled "Delivery".

i Certified Mail recei
ce for postmarking.
d, detach and affix

his receipt and pre



Sienkiewicz, Alex -FS

From: Sienkiewicz, Alex -FS
Sent: Monday, June 03, 2013 6:17 PM
To: Erickson, Mary C -FS; Dennee, Robert -FS; McFarland, Elizabeth A -FS; Gardner, Pam -FS; Oswald, Lauren M -FS; Cifala, Frank -FS; Kempff, Jonathan C -FS; Urie, Wendi -FS
Cc: Sienkiewicz, Alex -FS
Subject: Meeting with Zimmermans: Porcupine Lowline Lost Access 3 June, 2013

This E-mail serves as documentation of an in-person discussion on 06/03/2013 with the "shareholders" of the Zimmerman Ranch, through which the Porcupine Lowline and Elk Creek Trails run. I am writing this note at 5:24 PM, immediately following the meeting.

Attendees:

- Alex Sienkiewicz—USFS/Yellowstone District Ranger/GNF
- Ned Zimmerman—Shareholder
- Cindy Zimmerman—Shareholder
- Caitlin Zimmerman—Shareholder
- Dave Laubach—Lessee of hunting rights on Zimmerman Ranch and Neighbor/Member of "Hunting Club"
- Henry Tashjian—Zimmerman Neighbor (retired County Police)

I opened the meeting welcoming the attendees, and noting that I had invited them to meet, so as to respectfully listen to their perspectives and to share my own perspective in person. I noted that I considered them neighbors and that while

I considered their closure of a longstanding public trail illegal, I noted that we also needed to seek a solution if at all possible.

I also noted that they held a grazing permit on the District, and that we would be working together in the long term independent of the trail dispute.

I listened for about half an hour as Ned Zimmerman (son of Chloris) mentioned that the 2006 Travel Plan and its allowance of motorized vehicles on the Porcupine Lowline Trail "pushed him over the edge," and it was then that they decided to shut off access. He noted that the Travel Plan's allowance of motorized use made them angry as people would drive off-trail on his ranch and disturb his cattle. I asked Ned how often this happens, and he said about once a summer. I asked Ned if it still happened, despite the locked gate, and he and Henry Tashjian noted yes it did, that people simply go around the fences and gates now to access the area. Dave Laughbach noted that the Lowline Trail only accesses one section of public land. I responded that many do not own ranches and that one section of public land was theirs to access. I also noted that if one followed the trail on down to Rock Creek, one could access hundreds of thousands of acres. Ned continued that to have the trail basically ruins their land and Ned noted "I might as well move to Alaska." I asked how long the land had been in their family. Ned noted since 1950 or so. I responded that the trail had been on the land for 100 years or more and that it pre-dated the family's ownership of the land. I then showed them the 1937 Absaroka National Forest

map that hangs in the hallway, which shows the trail. The summary of the Zimmerman's perspective is that they didn't like having the trail on the property, and did not like the 2006 Travel Plan, so they simply shut off access by fencing and gating. They noted that the trails at issue have been in different places through the years...I responded that if this were indeed true, it did not alter my assessment of the situation—that the access to the National Forest had been continuous...the meandering trail does not undermine the legal principles at play. I also noted that it was my perspective that when a prospective landowner buys a property next to-or burdened by-public lands...that it is the buyer's responsibility to understand the implications of doing so...buyer needs to beware. Thus the closure of a trail because of dislike of a longstanding public use is not acceptable or legal.

I explained my perspective, that the USFS/Government has a longstanding legally-valid easement by virtue of OPEN, NOTORIOUS, CONTINUOUS, UNINTERRUPTED, (& ADVERSE) public use that extends back a century or more—independent of whether this easement has been "perfected." I showed them my files, including maps, testimony of local citizens and former USFS employees, trail maintenance records, and so forth. I explained that if we could negotiate some alternate scenario that maintained the same level of access, that we could all save much time and money. I noted again, that I did not take their actions personally, but that I considered their closure of the gate illegal, and that I would continue to compile records and seek new testimonials and affidavits if necessary. All were civil, though Henry Tashjian lapsed into disrespectful comments—noting after reading Dale Sexton's testimonial on historic use "That's that asshole bike guy..." and (to me) "those are the people you work for..." Henry also noted that if he caught me up there he'd have the Sheriff arrest me. I noted to Henry that such statements did not scare me and noted that I respected his opinions and that I expected him to respect mine. He eventually stopped making inflammatory comments.

After approximately an hour and a half, we parted company in good spirits. I noted that it was my observation that they had outlasted previous District Rangers and that it had taken me half a year or more to get a meeting with them. I noted in a non-threatening way that I would not stop working on this issue if I did not hear back from them; and that at some point, if we did not have an MOU agreeing to seek non-adversarial resolution, that I would be forced to advocate for adversarial measures. Ned noted that he would consult with his attorney and get back to me.

/S/ Alex Sienkiewicz 3 June, 2013 6:12 P.M.

Alex Corbly Sienkiewicz
District Ranger
Yellowstone Ranger District
Big Timber & Livingston, MT
Gallatin National Forest
(406) 932-5155 BIG T
(406) 823-6066 LIV
(406) 930-2454 CELL

From: Sienkiewicz, Alex -FS
Sent: Wednesday, July 17, 2013 6:28 PM
To: Oswald, Lauren M -FS; Dennee, Robert -FS; McFarland, Elizabeth A -FS; Barndt, Scott A -FS
Cc: Erickson, Mary C -FS; Bolte, Bradley -FS; Tripp, Shawn -FS
Subject: PorcupineLowline/Campfire Lake (267/195)/guest editorial

Gang—I realize that Porcupine Lowline is not your priority/ that of the GNF right now.

But I continue to work on it and wanted to give you an update.

Ned Zimmerman (primary contact for the Zimmerman family) left a voice message for me today. Ned said that he is willing to begin discussions with me about re-opening trail 195 that goes up Elk Creek to Campfire Lake in the Crazies; but as far as the Porcupine Lowline Trail, they don't want to see that open. This is partially positive-partially not. I will continue to work with Ned on Elk Creek, and Porcupine Lowline will remain a separate discussion for the time being.

Now, please tolerate an editorial:

The way the government **should** handle these public lands lockouts by private entities is by immediately prepping to sue and taking it to court if needbe. The Crazy Mountains have basically been appropriated by a bunch of landed rancher-outfitter business men (and a multinational corporation), because the USFS has not sued to protect and perfect public interests. MOREOVER, the public wildlife on this land has been appropriated by these same people and their "hunting clubs." These lockouts are a GOLDEN opportunity to SUE and PERFECT public rights. We are missing the boat...

This omission on our part undermines the heart of the USFS Mission. The failure to act is less a lands problem, but rather a leadership problem associated with our failure to file suit in the courts. We should not be negotiating in most of these situations (as we sometimes spend our lands budget doing). Doing so is akin to negotiating with terrorists. We should be suing. This is exactly how the State of MT handled their latest lockout to state lands.

Our failure to sue to protect the public interest is a failure of leadership at all levels. I realize budgets are what they are, but lawsuits of this nature are NOT that difficult—establishing a prescriptive easement is 4 elements---that are fairly straightforward. We should be on the attack in all of these scenarios. Mary—can we not elevate this epidemic issue of access loss? We should be pushing to file statements of interest on all of our lost access cases... we need to be pushing on the RO and OGC and DC to support more aggressive action rather than frittering away the very marrow of the public lands idea...Can we not put the ball in OGC's court by filing statements of interest (a one page document) on the many access points we've lost and are actively losing by omission? We should not be afraid of conflict here (*"Aggressive Fighting For The Right is the Noblest Sport the World Affords"* –TR ;-)

http://missoulia.com/news/state-and-regional/official-landowner-needs-to-unlock-gate-that-leads-to-elena/article_bc54ca5a-46f4-11e2-9fc7-001a4bcf887a.html

 Alex

Alex Corbly Sienkiewicz

District Ranger
Yellowstone Ranger District
Big Timber & Livingston, MT
Gallatin National Forest
(406) 932-5155 Big Timber
(406) 823-6066 Livingston
(406) 930-2454 Cell



File Code: 5460

Date: July 31, 2013

Park County Commissioners
414 East Callendar Street
Livingston, MT 59047

Dear Jim, Marty, & Clint,

I hope this letter finds you folks doing well. I have been busy overseeing management of the Emigrant Fire Incident; but I wanted to take a moment to inform you of a critical issue I am working on.

For more than a century, the Porcupine-Lowline Trail (Trail #167) has crossed both private and public land in the foothills of the Crazy Mountains. From the Lowline Trail run various spurs into the mountains, including Campfire Lake Trail (Trail #195). These Trails are noted on U.S. Forest Service maps that are decades old. The Lowline Trail served as a connector Trail for historic Forest Guard Stations (now rental cabins) such as the Ibex and Porcupine cabins. For more than a century, taxpayers from across the Nation have supported the upkeep and maintenance of these public trails through U.S. Forest Service budget allocations from Congress.

Since my appointment to the Yellowstone District Ranger position, I have received numerous calls and complaints of locked gates and fences across the aforementioned trails. The Zimmerman family, their hunting leaseholder, Dave Laughbaugh, and a neighboring landowner, Henry Tashjian, are all involved in the illegal closure of a centuries old trail system.

The Federal Government's position is that these trails are legal public rights-of-way. The Zimmermans and others have illegally shut-off access in a selfish profit-motivated manner that tramples on Montana's mountain heritage and tradition. The behavior of these few who own ranches abutting the publicly-owned Gallatin National Forest robs all other citizens of their birthright to access their American public lands system. I have spoken with dozens of citizens who grew up hunting, fishing, climbing, and motor-biking on these trails and in the Crazy Mountains—and they are both irate and deeply saddened at the un-American selfishness of public lands abutters who've shut-off age old trails and access points.

The un-American act of shutting-off longstanding public access to public lands has become epidemic. It is not only selfish and greed-based; but contrary to the many values we hold dear in Montana. This letter is, in-part, to inform you of the dispute between the public at large and the Zimmermans, and co.; but also, I seek your support in restoring the public access to Montana's mountains that has existed for centuries and certainly predates Anglo-American settlement. I am happy to discuss this further at any time. I am eager to hear—Jim, Marty, & Clint—how you might support the public we serve by collaborating in my efforts to protect the broad Montana public's mountain heritage in the Crazy Mountains.



As men who grew up here, you can undoubtedly recite long lists of trail, stream, and mountain access points next to publicly-owned national forest or river-bottoms that are now either contested or shut-down. I hope we can work together on this deeply disturbing problem that threatens the Montana way of life.

Sincerely,

/s/ Alex Sienkiewicz
ALEX SIENKIEWICZ
District Ranger

File Code: 5460

Date: August 16, 2013

Mr. Ned Zimmerman
95 Daisy Dean Road
Wilsall, MT 59806 086

Dear Ned,

Thank you for your letter of 12 August, 2013. I appreciate your candor, and welcome your inclusion of members of the Montana Delegation to Congress as well as your Counsel in this conversation. I would indeed like to discuss restoring unhindered access to Trail (#195) up Elk Creek to Campfire Lake. If you and your neighbors continue to attempt to block access across the Porcupine-Lowline Trail (#267); we can agree to disagree on that front for now, but perhaps we can broach that issue at a later date as we make progress on Trail 195 discussions.

Because this dispute might sometime require formal adjudication, I will address the points you raise in your letter individually.

- I appreciate that you are committed to being a rancher. It is largely because of the open landscape and rural culture that I love Montana. It is safe to say that you and I share this value—as do many of our neighbors and fellow Montanans. I want you and all of our State's ranchers to be successful in your chosen vocations. I imagine your ability to graze cattle on the public's national forest ground adjacent to your ranch plays a significant role in your success as a rancher. Thus, it troubles many members of the public that you would attempt to block age-old public trails.

- I appreciate that you acknowledge the longstanding public Trail blazes on Trails 267 and 195. Many of these blazes have existed for decades and are depicted among photographs submitted by local citizens that I recently sent you. These blazes illustrate that these Trails have always followed a definite and fixed course. To the extent you, your hunting lessee, and neighbors have destroyed Government signage and blazed trees; you have deliberately and adversely attempted to stymie public use and taxpayer-supported Government Trail maintenance. The results of which would certainly include accidental trespass by members of the public who inadvertently wander off the Trails at issue. Your efforts to remove signage and blazes indeed increase the likelihood of trespass; but this does not change the fact that the Trails at issue (267 & 195) have always followed a definite and fixed course. In short, the Forest Service has never "moved" the Trails that cross your property. To the extent there has been trespass, this has been facilitated by your destruction of Government signage.



- You note that over the last century, various Forest Service maps show the Trails in different places. This is not true. The Trails have always followed a definite fixed course. To the extent the depiction on maps may vary by some minute increment is merely an artifact of changing technology over the years. You will recall the 1937 map of the Absaroka National Forest that hangs on the wall in the Livingston Ranger Station. This map was based on ground surveys and was hand-drafted. The same would hold for other early maps. As technology has changed, mapping has become more precise. If you would remove your barriers to access, we could GPS and satellite-map the entire system and provide greater clarity for public land users. This would also deter trespass. Importantly though, representations on maps do not change the fact that these Trails have always followed a definite fixed course. Moreover, when you attempt to prevent public and Government access with gates and destruction of signage, of course, this results in a lack of clarity on the ground.

- If you, the Guths, and your hunting lessee would remove the gates you've installed across the Trails; the Forest Service would be willing to GPS the precise Trail locations, re-sign them, and discuss any maintenance and signage that would reasonably serve to deter trespass. (I have attached an example of a letter I have posted to help protect another abutter's private property rights in the Boulder Drainage.) If you agree to remove the gates you have placed across the Trails, I will overlook your destruction of Government property and simply replace all signage and blazing at no cost or penalty to you. I will also post letters discouraging trespass such as that example which I've herein attached.

- In your letter you relate several anecdotes of continued public use of Trails 267 and 195, including your discussion of motorcycle use in August 2013. This public use has continued and will continue. Indeed, I continue to send USFS employees across Trails 267 & 195 to maintain them and observe use patterns. I also emphasize to members of the public that legally-valid public trail easements exist for Trails 267 & 195. Notably, your deliberate removal of signage and locking of gates across the Trails is not conducive to effective management of those same Trails.

- You note, Ned, that your private property signs have been torn down in the past. This reaction by members of the public to your locking them out of their public lands is not, in my opinion, surprising. Your frustration with this behavior is somewhat puzzling to me as you, the Guths, and your hunting lessee have simultaneously destroyed public trail signage. I would propose, Ned, that you and I exercise leadership by posting joint-signage that both respects public access rights while also discouraging trespass and protecting your private property rights. Again, if you remove your barriers to public access, I will personally post appropriate Government signage and letters discouraging trespass.

- You mention past trespass by hunters. While trespass is a matter of state law and is not the jurisdiction of the Forest Service; I would certainly be willing to do whatever I reasonably could to protect your private property rights...but again, when Government signage, boundary markers, and blazes are destroyed, you are inviting the very trespass that you and your colleagues are blaming on the Forest Service. You undermine your own arguments by your very actions of destroying Government signage. You now lease your land abutting national forest to a private hunting club. Have you considered the possibility of receiving similar revenues through mechanisms such as the State's Block Management Program, whereby you would remove the perverse monetary incentive to block public use of their own Trails and lands?

• Many of our tensions here, Ned, seem to center on long-standing public uses of public Trails and the national forest land adjacent to your ranch. You mentioned when we met, that the 2006 Travel Plan "put [you] over the edge and [you] decided to lock out the public." I believe the doctrine of "buyer beware" is apt. When one buys land adjacent to national forest, he is then—for all intents and purposes—neighbors with all citizens of the United States. If your parents, and now you, were not aware of all that occurs (or could occur) on national forest land and Trails; it certainly does not give you the right to lock-out the public from their public lands. Moreover, your frustration with violations of state law (trespass) by members of the public does not give you the right to run roughshod over the peoples' right to access their national forests.

• As to the Crow Tribe's ancestral uses of the Crazy Mountains, I would let Tribal Leadership speak for itself as to its perspective on the illegal closure of public access into the Crazy Mountains. In a recent conversation with a Tribal Legislator, I was told that the issue is now being discussed in committee. I will keep you informed as to what I learn. I will be hosting a group from the Crow Reservation soon and intend to visit with them in the Porcupine Lowline area.

• In your closing, Ned, you knowingly spin the issue at hand. I do not support the right of the public "to play on your property without permission." Indeed, I do not condone or support trespass. The issue, Ned, is that you and your colleagues are actively and adversely trying to destroy public property rights that have existed for centuries. The public should not suffer for your parents' failure to do their due diligence as to the benefits and burdens of living next to public land. I am trying to persuade you and your colleagues, Ned, that the public has valid legal rights that exist independent of your opinion or mine so that we can all avoid a protracted and costly legal dispute.

Ned: I truly want to work with you. I respect you and your perspective; but this does not relieve me of my duty to serve the greater public interest. Again, I respectfully ask that you and I sit down and work out these issues as neighbors and fellow Montanans. If access to these Trails is restored, I promise to do everything within my power to support your private property rights and curb trespass. But to do so, the barriers to public access need to come down.

Respectfully,

(sent U.S. Mail)
certified

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage)

For delivery information visit our website at www.usps.com

Postage	\$ 44
Certified Fee	310
Return Receipt Fee (Endorsement Required)	255
Restricted Delivery Fee (Endorsement Required)	
Postage & Fees	\$ 6.11

First-Class Mail
USPS
Postage & Fees Paid
Permit No. 540



UNITED STATES POSTAL SERVICE

3. Service Type

<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input checked="" type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

Serial 10
Street, Apt. No.,
or PO Box No.
City, State, ZIP+4

Ned Zimmerman
15 Daisy Dean Rd
Wilbur Mt 59086

2. Article Number
(Transfer from service label)

7012 1640 0000 1387 9535

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

Sienkiewicz, Alex -FS

From: Sienkiewicz, Alex -FS
Sent: Thursday, June 05, 2014 7:34 AM
To: 'Ned Zimmerman'
Cc: Hertha Lund (Lund@Lund-Law.com)
Subject: RE: Trail 195

Thanks for the note Ned. I do appreciate that you and I have always been able to communicate man to man. I respect you for that.

I really would like to meet with you (again) regarding Trail 195 to Campfire Lake. I am happy to do so despite our continued disagreements.

I'll emphasize though that the nature of the Forest Service's "unperfected" easements is such that there is a legal public trail easement across Trails 195 and 267. So I must RE-emphasize that those trails are as much Forest Service/Public easements as the surrounding land is Yours.

-The trails have existed for more than a century

-They exist on the earliest maps of these public lands units

-They connect 2 historic guard stations

-There are records of publicly-funded maintenance going back decades (U.S. tax dollars)

-There is continued public use, as you acknowledged in your letter to me last year

-You shut off access because you didn't like the 2006 travel plan as you acknowledged in our meeting

-that your parents failed to understand the implications of buying next to the national forest in the 1950s does not justify your deliberate actions to lock-out the public

-You have leased your property out to a hunting outfitter and competition from the public owners Of the national forest is not desirable to you.

-Public citizens continue to ask me why they have been locked out of this 100 year old trail system

To reiterate, the Forest Service has a LEGAL property interest in those trails. Thus, to the extent you are either preventing access with your locked gate or selectively letting people through, I construe this as an illegal act...not dissimilar from putting a gate across I-90 and selectively allowing or dis-allowing passage through the gate.

If it were exclusively up to me, I would file a lawsuit to restore access today. This because I believe we've exhausted all possibility of amicable resolution and that you and the other stakeholders are deliberately stretching out the discussion under (prudent) advice of your counsel, knowing that there is a limited window of opportunity for

the Government to protect these long-established public rights.

Case 1:19-cv-00066-SPW-TJC Document 29-6 Filed 01/31/20 Page 14 of 53

Last, I've blind continued to work on this indefinitely would constitute a failure to fulfill my obligations to the tax-paying American public.

Respectfully,

Alex

Alex Corbly Sienkiewicz
District Ranger
Yellowstone Ranger District
Big Timber & Livingston, MT
Custer-Gallatin National Forest
(406) 932-5155 BIG T
(406) 823-6066 LIV
(406) 930-2454 CELL

"...old trees just grow stronger, and old rivers grow wilder every day..."
--John Prine

From: Ned Zimmerman [<mailto:znccattle@gmail.com>]
Sent: Thursday, June 05, 2014 6:25 AM
To: Sienkiewicz, Alex -FS
Subject: Trail 195

Alex,
I'd still like to work on trail 195 with the Forrest Service, but I think that we're going to leave the gates locked, allowing access on a permissive basis, until we have resolved all the issues regarding public access to our land. If there is a possibility to have a meeting on the land please send me an email.
Ned

Sienkiewicz, Alex -FS

From: Sienkiewicz, Alex -FS
Sent: Thursday, July 24, 2014 12:12 PM
To: FS-pdl r1 gallatin yellowstone; FS-pdl r1 gallatin gardiner
Subject: Sweetgrass Creek Access to Crazyes: DO NOT SIGN IN
Attachments: photo.JPG; ATT00001.txt

Importance: High

Dear Colleagues,

Attached is a photo of the sign at one of the gates at the Carrocia property along Sweetgrass Creek Road (Chuck Rein calls this Road Rein Road). This road runs west of Melville and passes through the Rein and Carrocia properties. I was there on Monday. I was able to drive through all gates and access the forest without encountering anyone. Come elk hunting season, however, all of these gates will be locked in order to keep the public from hunting the national forest. In the past, there was a Forest Service trailhead kiosk which they ripped down. This is still demarcated on older USFS maps.

I am herein emphasizing AS I DO EVERY YEAR that you DO NOT SIGN IN to access the National Forest as the sign demands. Never. As the legalese in the sign indicates, this is a deliberate effort upon advice of their attorneys to extinguish public access rights. Signing in will aid them in their efforts.

The Forest Service maintains (reinforced by opinion from OGC) that the agency and public have ("unperfected") legal rights of access based on a 100 year history of use, maintenance, and historic access that is now "adverse" (adversarial).

Obviously, if you encounter conflict, just turn around and leave. But if anyone asks, please note the agency's position that there is indeed legal access. Please refer all questions to me. Again, your own safety takes priority over your work, so please, walk away from prospective conflicts.

Thank you,

Alex

Alex Corbly Sienkiewicz
District Ranger
Yellowstone Ranger District
Big Timber & Livingston, MT
Custer-Gallatin National Forest
(406) 932-5155 BIG T
(406) 823-6066 LIV
(406) 930-2454 CELL

"...old trees just grow stronger, and old rivers grow wilder every day..."

--John Prine

July 21, 2014
road.

**THIS IS NOT A TRAILHEAD.
PRIVATE LAND, PRIVATE ROAD.
LANDOWNERS PERMIT FOOT AND HORSE TRAVEL ONLY
BEYOND THIS POINT.**

**WE WISH TO CONTINUE OUR TRADITION OF PERMISSIVELY
ALLOWING THE PUBLIC TO CROSS OUR PRIVATE LAND TO
ACCESS PUBLIC LAND. DURING MID-MAY TO MID-SEPTEMBER,
PLEASE CONTINUE TO STOP IN AT THE MAIN HOUSE TO
DISCUSS ACCESS, PARKING, BOUNDARIES, ANY
RESTRICTIONS AND TO SIGN IN.**

**DURING MID-SEPTEMBER TO MID-MAY, PLEASE CALL FIRST
TO TALK TO THE LANDOWNERS BEFORE CROSSING
PRIVATE LAND.**

**ANY GRANT OF ACCESS IMPLIED HEREIN IS REVOCABLE.
USE OF PRIVATE PROPERTY, OTHER THAN THROUGH
TRAVEL, REQUIRES WRITTEN PERMISSION FROM
THE LANDOWNER.**

**THANK YOU FOR YOUR ASSISTANCE IN MAINTAINING A
COOPERATIVE RELATIONSHIP IN THIS CANYON BETWEEN
PRIVATE LANDOWNERS AND THE GENERAL PUBLIC.**

Carroccia Family Partnership

(406) 537-4477

5/28/2014 @ Carocia property gate on left side of public road

THIS IS NOT A TRAILHEAD.
PRIVATE LAND, PRIVATE ROAD.
LANDOWNERS PERMIT FOOT AND HORSE TRAVEL ONLY
BEYOND THIS POINT.

WE WISH TO CONTINUE OUR TRADITION OF PERMISSIVELY
ALLOWING THE PUBLIC TO CROSS OUR PRIVATE LAND TO
ACCESS PUBLIC LAND. DURING MID-MAY TO MID-SEPTEMBER,
PLEASE CONTINUE TO STOP IN AT THE MAIN HOUSE TO
DISCUSS ACCESS, PARKING, BOUNDARIES, ANY
RESTRICTIONS AND TO SIGN IN.

DURING MID-SEPTEMBER TO MID-MAY, PLEASE CALL FIRST
TO TALK TO THE LANDOWNERS BEFORE CROSSING
PRIVATE LAND.

ANY GRANT OF ACCESS IMPLIED HEREIN IS REVOCABLE.
USE OF PRIVATE PROPERTY, OTHER THAN THROUGH
TRAVEL, REQUIRES WRITTEN PERMISSION FROM
THE LANDOWNER.

THANK YOU FOR YOUR ASSISTANCE IN MAINTAINING A
COOPERATIVE RELATIONSHIP IN THIS CANYON BETWEEN
PRIVATE LANDOWNERS AND THE GENERAL PUBLIC.

Carrocia Family Partnership

(406) 537-4477

July 21, 2014 @ Carrocia property gate on right side of public road.

(USFS Signage)

22 July 2014

Note that the sign on the left claims "private land, private road." However the sign on the right is a USFS sign that acknowledges the Secty. of Ag's authority. Carrocia's posting/leaving this sign is contradictory and appears to acknowledge public rights of access.

THIS TRAIL CLOSED TO PUBLIC USE BY
MOTORIZED VEHICLES UNDER AUTHORITY
OF THE SECRETARY OF AGRICULTURE
36 CFR 251.25 VIOLATION IS PUNISHABLE
BY LAW

Sienkiewicz, Alex -FS

From: Sienkiewicz, Alex -FS
Sent: Friday, July 25, 2014 4:28 PM
To: Oswald, Lauren M -FS
Subject: Stakeholder Interaction (Sweetgrass Creek Road)

Lauren,

This email documents a conversation I just had with public land recreationist/hunter/angler Christ Thornston (406) 580-2816. Chris wanted to know what the access situation was up Sweetgrass Creek into the Crazy Mountains. I shared with Christ that access was 'disputed'-but that it was the position of the USFS that there were unperfected public rights to use the Sweetgrass Creek Road (Called Rein Road by Chuck Rein) and Trail across private lands into the national forest. I noted that the Carrocias and Reins had posted signs with much legalese about permissive access And revocability and signing in; but that the public should NOT sign in, that this would undermine Longstanding rights. I mentioned that there was risk of confrontation and that Tony Carrocia had Recently told a public lands hunter entering the national forest to "get the fuck off [his] property"...

/s/ Alex Sienkiewicz

Alex Corbly Sienkiewicz
District Ranger
Yellowstone Ranger District
Big Timber & Livingston, MT
Custer-Gallatin National Forest
(406) 932-5155 BIG T
(406) 823-6066 LIV
(406) 930-2454 CELL

"...old trees just grow stronger, and old rivers grow wilder every day..."
--John Prine



Importance: High

Dear Colleagues,

Attached is a photo of the sign at one of the gates at the Carrocia property along Sweetgrass Creek Road (Chuck Rein calls this Road Rein Road). This road runs west of Melville and passes through the Rein and Carrocia properties. I was there on Monday. I was able to drive through all gates and access the forest without encountering anyone. Come elk hunting season, however, all of these gates will be locked in order to keep the public from hunting the national forest. In the past, there was a Forest Service trailhead kiosk which they ripped down. This is still demarcated on older USFS maps.

I am herein emphasizing AS I DO EVERY YEAR that you DO NOT SIGN IN to access the National Forest as the sign demands. Never. As the legalese in the sign indicates, this is a deliberate effort upon advice of their attorneys to extinguish public access rights. Signing in will aid them in their efforts.

The Forest Service maintains (reinforced by opinion from OGC) that the agency and public have ("unperfected") legal rights of access based on a 100 year history of use, maintenance, and historic access that is now "adverse" (adversarial).

Obviously, if you encounter conflict, just turn around and leave. But if anyone asks, please note the agency's position that there is indeed legal access. Please refer all questions to me. Again, your own safety takes priority over your work, so please, walk away from prospective conflicts.

Thank you,

Alex

Alex Corbly Sienkiewicz
District Ranger
Yellowstone Ranger District
Big Timber & Livingston, MT
Custer-Gallatin National Forest
(406) 932-5155 BIG T
(406) 823-6066 LIV
(406) 930-2454 CELL

"...old trees just grow stronger, and old rivers grow wilder every day..."

--John Prine

-----Original Message-----

From: Sienkiewicz, Alex -FS

Sent: Thursday, July 24, 2014 11:55 AM

To: Sienkiewicz, Alex -FS; Oswald, Lauren M -FS

Subject: Carrocia close up

Sienkiewicz, Alex -FS

From: Sienkiewicz, Alex -FS
Sent: Thursday, July 24, 2014 1:31 PM
To: Oswald, Lauren M -FS
Subject: Call regarding Sweetgrass Creek Access

Lauren—I am writing you to document an adverse interaction between Tony Carrocia and National Forest User Kyle Newmiller of Billings. Kyle called me on 10 July, and I was able to return his call for a conversation on 24 July, 2014. I had spoken

with Kyle previously in March of 2014, and he inquired as to the status of public access up Sweetgrass Creek because he hopes to take his wife and child elk hunting by horseback in that part of the Crazyes this fall. Kyle's phone# is 406-860-3413.

I told him at that time (per our company line and advice from OGC), that access is disputed, but that it is the formal position of the Forest Service that the agency, and hence the public has unperfected legal interests in the road and trail up Sweetgrass Creek by virtue of a longshistory of use, maintenance, and access. I mentioned that the landowners there would likely argue differently and that they would either ask him to sign in or tell him to leave. I noted that they had signage with lots of legalise about permissive access and revocability that appeared designed

To intimidate the public and the agency personnel and ultimately extinguish pre-existing public rights of access.

When I spoke with Kyle this morning, he mentioned that 2 weeks ago, he drove up Sweetgrass Creek Road (which Chuck Rein calls Rein Road)

In order to scout the national forest for a hunt this fall. At the Carrocia property gate, he encountered Tony Carrocia.

Kyle said

he inquired as to Tony's opinion on public access in an exceedingly polite fashion. When Tony Carrocia said there was no access after September, Kyle politely mentioned The USFS position that indeed the public did have rights to access the national forest through Sweetgrass Creek Road. Kyle then Noted that Tony Carrocia became exceedingly angry and told him: "Get the fuck off my land." Kyle then sat in his car for an hour and watched

Tony Carrocia pull out a satellite phone. Whether he actually used it is unclear. No one else showed up, and nothing more happened.

/s/ Alex Sienkiewicz 7-24-2014

Alex Corbly Sienkiewicz
District Ranger
Yellowstone Ranger District
Big Timber & Livingston, MT
Custer-Gallatin National Forest
(406) 932-5155 BIG T

Sienkiewicz, Alex -FS

From: Sienkiewicz, Alex -FS
Sent: Friday, July 25, 2014 4:28 PM
To: Oswald, Lauren M -FS
Subject: Stakeholder Interaction (Sweetgrass Creek Road)

Lauren,

This email documents a conversation I just had with public land recreationist/hunter/angler Christ Thornston (406) 580-2816. Chris wanted to know what the access situation was up Sweetgrass Creek into the Crazy Mountains. I shared with Christ that access was 'disputed'-but that it was the position of the USFS that there were unperfected public rights to use the Sweetgrass Creek Road (Called Rein Road by Chuck Rein) and Trail across private lands into the national forest. I noted that the Carrocias and Reins had posted signs with much legalese about permissive access And revocability and signing in; but that the public should NOT sign in, that this would undermine Longstanding rights. I mentioned that there was risk of confrontation and that Tony Carrocia had Recently told a public lands hunter entering the national forest to "get the fuck off [his] property" ...

/s/ Alex Sienkiewicz

Alex Corbly Sienkiewicz
District Ranger
Yellowstone Ranger District
Big Timber & Livingston, MT
Custer-Gallatin National Forest
(406) 932-5155 BIG T
(406) 823-6066 LIV
(406) 930-2454 CELL

"...old trees just grow stronger, and old rivers grow wilder every day..."
--John Prine



Sienkiewicz, Alex -FS

From: Sienkiewicz, Alex -FS
Sent: Wednesday, July 30, 2014 1:59 PM
To: Feigley, Rachel J -FS
Cc: FS-pdl r1 gallatin yellowstone; FS-pdl r1 gallatin gardiner
Subject: RE: Sweetgrass Creek Access to Crazies: DO NOT SIGN IN

Either walk around or over, or postpone the mission; but NEVER sign in.

Thanks--Alex

Alex Corbly Sienkiewicz
District Ranger
Yellowstone Ranger District
Big Timber & Livingston, MT
Custer-Gallatin National Forest
(406) 932-5155 BIG T
(406) 823-6066 LIV
(406) 930-2454 CELL

"...old trees just grow stronger, and old rivers grow wilder every day..."
--John Prine

-----Original Message-----

From: Feigley, Rachel J -FS
Sent: Wednesday, July 30, 2014 1:08 PM
To: Sienkiewicz, Alex -FS
Subject: RE: Sweetgrass Creek Access to Crazies: DO NOT SIGN IN

What about the locked gates?

Rachel Feigley

East Zone Wildlife Biologist
Yellowstone and Gardiner Ranger Districts @ Livingston, Montana
406-823-6064
rfeigley@fs.fed.us

It is not the strongest of the species that survives, nor the most intelligent, but the one most responsive to change. - Charles Darwin

-----Original Message-----

From: Sienkiewicz, Alex -FS
Sent: Thursday, July 24, 2014 12:12 PM
To: FS-pdl r1 gallatin yellowstone; FS-pdl r1 gallatin gardiner
Subject: Sweetgrass Creek Access to Crazies: DO NOT SIGN IN

Sienkiewicz, Alex -FS

From: Sienkiewicz, Alex -FS
Sent: Wednesday, July 30, 2014 1:59 PM
To: Feigley, Rachel J -FS
Cc: FS-pdl r1 gallatin yellowstone; FS-pdl r1 gallatin gardiner
Subject: RE: Sweetgrass Creek Access to Crazies: DO NOT SIGN IN

Either walk around or over, or postpone the mission; but NEVER sign in.

Thanks--Alex

Alex Corbly Sienkiewicz
District Ranger
Yellowstone Ranger District
Big Timber & Livingston, MT
Custer-Gallatin National Forest
(406) 932-5155 BIG T
(406) 823-6066 LIV
(406) 930-2454 CELL

"...old trees just grow stronger, and old rivers grow wilder every day..."
--John Prine

-----Original Message-----

From: Feigley, Rachel J -FS
Sent: Wednesday, July 30, 2014 1:08 PM
To: Sienkiewicz, Alex -FS
Subject: RE: Sweetgrass Creek Access to Crazies: DO NOT SIGN IN

What about the locked gates?

Rachel Feigley

East Zone Wildlife Biologist
Yellowstone and Gardiner Ranger Districts @ Livingston, Montana
406-823-6064
rfeigley@fs.fed.us

It is not the strongest of the species that survives, nor the most intelligent, but the one most responsive to change. -
Charles Darwin

-----Original Message-----

From: Sienkiewicz, Alex -FS
Sent: Thursday, July 24, 2014 12:12 PM
To: FS-pdl r1 gallatin yellowstone; FS-pdl r1 gallatin gardiner
Subject: Sweetgrass Creek Access to Crazies: DO NOT SIGN IN

Sienkiewicz, Alex -FS

From: Sienkiewicz, Alex -FS
Sent: Friday, August 01, 2014 10:59 AM
To: Oswald, Lauren M -FS
Subject: Sweetgrass Creek Inquiry 08-01-2014

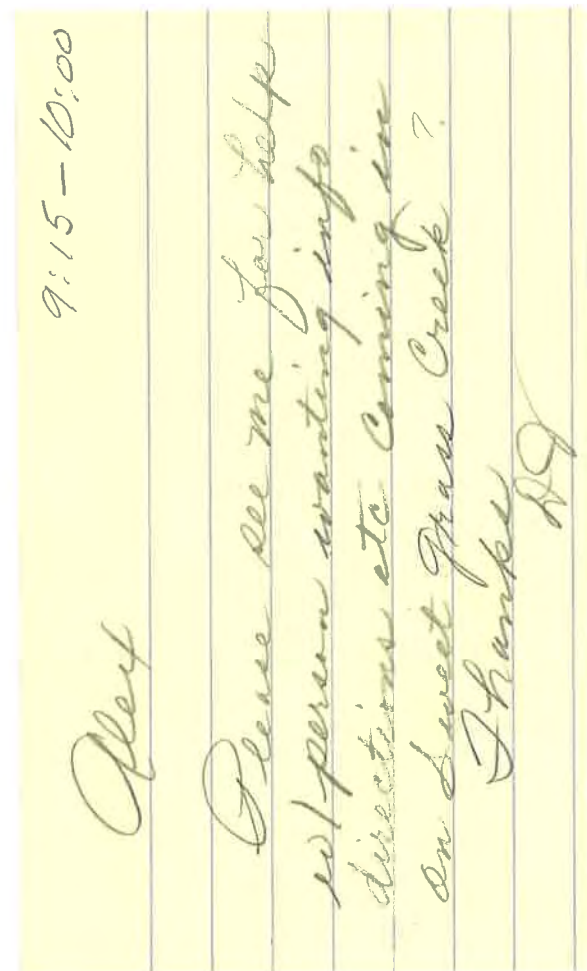
Lauren—This email documents a Phone conversation I just had With Nick Prasser of Chamberlain, South Dakota. Nick and his wife would like to vacation with a hike to Cave Lake in the Crazies. Nick inquired about access up Sweetgrass Creek. I told Nick that it was disputed; but that the USFS holds that there is "unperfected" legal access for the public to access their national forest lands and resources across the existing road and trails that lead up Sweetgrass Creek from Melville. I told Nick that we were not advising Conflict, but that there had been recent conflicts with the Carrocias yelling at people and shouting expletives and trying to force visitors out of the drainage and preventing public land/ national forest access. I restated that our position was that there is indeed an unperfected right of public access and that he could feel free to quote me on that to anyone who tried to stop him.

Nick Prasser
34545 245th Street
Chamberlain, SD
57325
(630) 272-4442

/s/ Alex Sienkiewicz

Alex Corbly Sienkiewicz
District Ranger
Yellowstone Ranger District
Big Timber & Livingston, MT
Custer-Gallatin National Forest
(406) 932-5155 BIG T
(406) 823-6066 LIV
(406) 930-2454 CELL

"...old trees just grow stronger, and old rivers grow wilder every day..."
--John Prine



Sienkiewicz, Alex -FS

From: Sienkiewicz, Alex -FS
Sent: Friday, August 01, 2014 11:10 AM
To: Oswald, Lauren M -FS
Cc: Robb, DorisJean -FS
Subject: Sweetgrass Creek Access Inquiry, John Frick

Hi Lauren,
This note documents a conversation DJ had with John Frick (406) 370-2330 on 1 August 1, 2014. Mr. Frick inquired about access up Sweetgrass Creek to the national forest Public lands. DJ emphasized our company line that there is indeed an unperfected public right of access and that one should NEVER Sign in as it is part of the landowners' plan to undermine the Public right of access.

/s/ Alex Sienkiewicz

Alex Corbly Sienkiewicz
District Ranger
Yellowstone Ranger District
Big Timber & Livingston, MT
Custer-Gallatin National Forest
(406) 932-5155 BIG T
(406) 823-6066 LIV
(406) 930-2454 CELL

"...old trees just grow stronger, and old rivers grow wilder every day..."
--John Prine

Sienkiewicz, Alex -FS

From: Sienkiewicz, Alex -FS
Sent: Monday, August 04, 2014 1:53 PM
To: Oswald, Lauren M -FS
Subject: Sweetgrass access Stakeholder discussion 08-04-2014

Lauren-

This note documents a discussion I just had with a U.S. Marine stationed in New York
Who wants to go hunting in the national forest up Sweet Grass Creek in the Crazies this
Fall. His name is Larry Johnson (406) 570-2564. He called to inquire about the status of access. I told him that access is
disputed

But that the USFS position is that there is an unperfected right of public access along
The road from Melville all the way through the USFS boundary. I said that USFS personnel were
prohibited from signing in, and noted that the public was strongly discouraged from signing in...that
If they signed in, they would be undermining public access rights and playing into the strategies
of the offending landowners. I noted that the public had been accessing the mountains up that drainage
for hundreds of years and that the landowners were actively trying to prevent the public from
accessing from Melville and up Sweetgrass Creek...but that there was plenty of adverse access continuing
To occur. I described to him the situation this summer where conflicts occurred between hikers and the Carrocias.

/s/ Alex Sienkiewicz

Alex Corbly Sienkiewicz
District Ranger
Yellowstone Ranger District
Big Timber & Livingston, MT
Custer-Gallatin National Forest
(406) 932-5155 BIG T
(406) 823-6066 LIV
(406) 930-2454 CELL

"...old trees just grow stronger, and old rivers grow wilder every day..."
--John Prine

Sienkiewicz, Alex -FS

From: Sienkiewicz, Alex -FS
Sent: Thursday, August 14, 2014 3:33 PM
To: Oswald, Lauren M -FS
Subject: Conversation re: Sweetgrass Creek Access: Carl Arnatt, Livingston, MT

Lauren,

This email documents a conversation that I just had with Carl Arnatt of Livingston, MT. He would like to access the Crazy Mountains up Sweetgrass Creek, but heard that access is disputed. Indeed, I confirmed that the Carrocias and Reins are actively attempting to extinguish public access rights. I emphasized to Mr. Arnatt that he had a legal right to use the 100 year-old access point and also that he NOT to sign in; but I did acknowledge that I was not recommending he seekout confrontation with the neighboring landowners. I emphasized that the USFS believes there are "unperfected" legal access rights up Sweetgrass Creek Road and Trail based on A 100 year history of continued, open, notorious, adverse use by the public, And administrative use and maintenance by the USFS.

/s/ Alex Sienkiewicz

Alex Corbly Sienkiewicz
District Ranger
Yellowstone Ranger District
Livingston & Big Timber, MT
Custer-Gallatin National Forest
(406) 823-6066 LIV
(406) 932-5155 BIG T
(406) 930-2454 CELL

"...old trees just grow stronger, and old rivers grow wilder every day..."
--John Prine

Sienkiewicz, Alex -FS

From: Sienkiewicz, Alex -FS
Sent: Friday, August 01, 2014 10:59 AM
To: Oswald, Lauren M -FS
Subject: Sweetgrass Creek Inquiry 08-01-2014

Lauren—This email documents a Phone conversation I just had With Nick Prasser of Chamberlain, South Dakota. Nick and his wife would like to vacation with a hike to Cave Lake in the Crazies. Nick inquired about access up Sweetgrass Creek. I told Nick that it was disputed; but that the USFS holds that there is “unperfected” legal access for the public to access their national forest lands and resources across the existing road and trails that lead up Sweetgrass Creek from Melville. I told Nick that we were not advising Conflict, but that there had been recent conflicts with the Carrocias yelling at people and shouting expletives and trying to force visitors out of the drainage and preventing public land/ national forest access. I restated that our position was that there is indeed an unperfected right of public access and that he could feel free to quote me on that to anyone who tried to stop him.

Nick Prasser
34545 245th Street
Chamberlain, SD
57325
(630) 272-4442

/s/ Alex Sienkiewicz

Alex Corbly Sienkiewicz
District Ranger
Yellowstone Ranger District
Big Timber & Livingston, MT
Custer-Gallatin National Forest
(406) 932-5155 BIG T
(406) 823-6066 LIV
(406) 930-2454 CELL

“...old trees just grow stronger, and old rivers grow wilder every day...”
--John Prine

Sienkiewicz, Alex -FS

From: Sienkiewicz, Alex -FS
Sent: Monday, August 04, 2014 1:53 PM
To: Oswald, Lauren M -FS
Subject: Sweetgrass access Stakeholder discussion 08-04-2014

Lauren-

This note documents a discussion I just had with a U.S. Marine stationed in New York Who wants to go hunting in the national forest up Sweet Grass Creek in the Crazies this Fall. His name is Larry Johnson (406) 570-2564. He called to inquire about the status of access. I told him that access is disputed

But that the USFS position is that there is an unperfected right of public access along The road from Melville all the way through the USFS boundary. I said that USFS personnel were prohibited from signing in, and noted that the public was strongly discouraged from signing in...that If they signed in, they would be undermining public access rights and playing into the strategies of the offending landowners. I noted that the public had been accessing the mountains up that drainage for hundreds of years and that the landowners were actively trying to prevent the public from accessing from Melville and up Sweetgrass Creek...but that there was plenty of adverse access continuing To occur. I described to him the situation this summer where conflicts occurred between hikers and the Carrocias.

/s/ Alex Sienkiewicz

Alex Corbly Sienkiewicz
District Ranger
Yellowstone Ranger District
Big Timber & Livingston, MT
Custer-Gallatin National Forest
(406) 932-5155 BIG T
(406) 823-6066 LIV
(406) 930-2454 CELL

"...old trees just grow stronger, and old rivers grow wilder every day..."
--John Prine

Sienkiewicz, Alex -FS

From: Sienkiewicz, Alex -FS
Sent: Thursday, August 14, 2014 1:05 PM
To: Oswald, Lauren M -FS
Subject: Sweetgrass Access Inquiry: Davaz

Lauren,

This email documents a conversation I had with Karen Davaz on 14 August, 2014. Karen called and said that she has been going on a women's hiking outing for 20 years straight with old friends. They would like to hike up into the national Forest Service high country through Sweetgrass Creek. I told Karen that this road and trail into the forest have been used by the USFS and public for more than 100 years, but that both are now in dispute. I noted the Carrocia's and Rein's signs with legalese and intimidating language. I mentioned that the USFS believes there are unperfected legal access rights; and that by signing in, per the offending landowners' wishes, members of the public undermine public access rights.

I suggested that whether or not she accesses through the Sweetgrass drainage, that she never sign in.

/s/ Alex Sienkiewicz

Alex Corbly Sienkiewicz
District Ranger
Yellowstone Ranger District
Livingston & Big Timber, MT
Custer-Gallatin National Forest
(406) 823-6066 LIV
(406) 932-5155 BIG T
(406) 930-2454 CELL

"...old trees just grow stronger, and old rivers grow wilder every day..."
--John Prine

Sienkiewicz, Alex -FS

From: Sienkiewicz, Alex -FS
Sent: Monday, September 08, 2014 11:00 AM
To: Oswald, Lauren M -FS
Subject: Ian Wargo--Crazies access call

Lauren—

This email documents a conversation I had with Ian Wargo (Austin's brother who called after his brother Austin had called) of Columbia Falls, MT today. Austin called to discuss trails 267, 272, 122, and 136. Specifically, he wanted to know if there was legal access. I told him (as has been our position per Bob Dennee's affidavit on file), that the USFS holds that there is "unperfected" legal access on these trails and access roads thereto (Sweetgrass Creek).

I noted to Mr. Wargo, that come September, most of these places are locked up tight by illegally locked gates (Carrocia, Zimmerman, Rein, Guth) as these folks and their outfitter concessionaires are all trying to lockout hunters. I was clear that I was not advocating for or against any specific course of action on Mr. Wargo's part, but only that the USFS' position was clear. Additionally, noting checkerboard ownerships, I stated that if he parked, he should be sure to park on USFS ground. He expressed his deep disappointment in the disputed access points and also his contempt for the neighboring landowners seeking to prevent access to public lands and wildlife.

/s/ Alex Sienkiewicz

Alex Corbly Sienkiewicz

District Ranger
Yellowstone Ranger District
Livingston & Big Timber, MT
Custer-Gallatin National Forest
(406) 823-6066 LIV Ranger Station
(406) 932-5155 BIG T Work Center
(406) 930-2454 CELL

"...old trees just grow stronger, and old rivers grow wilder every day..."

--John Prine

Importance: High

Dear Colleagues,

Attached is a photo of the sign at one of the gates at the Carrocia property along Sweetgrass Creek Road (Chuck Rein calls this Road Rein Road). This road runs west of Melville and passes through the Rein and Carrocia properties. I was there on Monday. I was able to drive through all gates and access the forest without encountering anyone. Come elk hunting season, however, all of these gates will be locked in order to keep the public from hunting the national forest. In the past, there was a Forest Service trailhead kiosk which they ripped down. This is still demarcated on older USFS maps.

I am herein emphasizing AS I DO EVERY YEAR that you DO NOT SIGN IN to access the National Forest as the sign demands. Never. As the legalese in the sign indicates, this is a deliberate effort upon advice of their attorneys to extinguish public access rights. Signing in will aid them in their efforts.

The Forest Service maintains (reinforced by opinion from OGC) that the agency and public have ("unperfected") legal rights of access based on a 100 year history of use, maintenance, and historic access that is now "adverse" (adversarial).

Obviously, if you encounter conflict, just turn around and leave. But if anyone asks, please note the agency's position that there is indeed legal access. Please refer all questions to me. Again, your own safety takes priority over your work, so please, walk away from prospective conflicts.

Thank you,

Alex

Alex Corbly Sienkiewicz
District Ranger
Yellowstone Ranger District
Big Timber & Livingston, MT
Custer-Gallatin National Forest
(406) 932-5155 BIG T
(406) 823-6066 LIV
(406) 930-2454 CELL

"...old trees just grow stronger, and old rivers grow wilder every day..."
--John Prine

-----Original Message-----

From: Sienkiewicz, Alex -FS
Sent: Thursday, July 24, 2014 11:55 AM
To: Sienkiewicz, Alex -FS; Oswald, Lauren M -FS
Subject: Carrocia close up

Sienkiewicz, Alex -FS

From: Sienkiewicz, Alex -FS
Sent: Monday, September 08, 2014 9:57 AM
To: Oswald, Lauren M -FS
Cc: Erickson, Mary C -FS; McFarland, Elizabeth A -FS
Subject: Craziest Access: Austin Wargo, Columbia Falls, MT

Lauren—

This email documents a conversation I had with Austin Wargo of Columbia Falls, MT today. Austin called to discuss trails 267, 272, 122, and 136. Specifically, he wanted to know if there was legal access. I told him (as has been our position per Bob Dennee's affidavit on file), that the USFS holds that there is "unperfected" legal access on these trails and access roads thereto (Sweetgrass Creek).

I noted to Mr. Wargo, that come September, most of these places are locked up tight by illegally locked gates (Carrocia, Zimmerman, Rein, Guth) as these folks and their outfitter concessionaires are all trying to lockout hunters. I was clear that I was not advocating for or against any specific course of action on Mr. Wargo's part, but only that the USFS' position was clear. Additionally, noting checkerboard ownerships, I stated that if he parked, he should be sure to park on USFS ground. He expressed his deep disappointment in the disputed access points and also his contempt for the neighboring landowners seeking to prevent access to public lands and wildlife.

/s/ Alex Sienkiewicz

Alex Corbly Sienkiewicz

District Ranger
Yellowstone Ranger District
Livingston & Big Timber, MT
Custer-Gallatin National Forest
(406) 823-6066 LIV Ranger Station
(406) 932-5155 BIG T Work Center
(406) 930-2454 CELL

"...old trees just grow stronger, and old rivers grow wilder every day..."
--John Prine

Sienkiewicz, Alex -FS

From: Sienkiewicz, Alex -FS
Sent: Wednesday, November 12, 2014 11:24 AM
To: Oswald, Lauren M -FS
Cc: Erickson, Mary C -FS; McFarland, Elizabeth A -FS
Subject: Chris Maxey: Access discussion-Sweetgrass Creek For Sweetgrass File

Lauren-This email documents a call I just received from Chris Maxey, a Bozeman resident and elk hunter. Chris and his wife drew elk tags for unit 580 in the eastern Crazy Mountains. Chris called to express frustration that he recently encountered a locked gate as the road up Sweetgrass Canyon passes through Chuck Rein's land.

I explained to Chris that the access road and trail are "disputed" as between the USFS and the Rein and Carrocia families. I noted to him that the position of the USFS is that there are "unperfected" rights of access to the national forest lands beyond the Rein and Carroccia properties; but that both owners disagree with the USFS...and subsequently lock gates and/or manage sign-in stations depending upon the time of year. I told Chris that the landowners outfit elk hunts and that they would not likely entertain unlocking the gates to the national forest if Chris and his wife weren't willing to pay them for an outfitted hunt. I suggested that Chris never sign in to get through gates in this area as that comprised an effort to extinguish public access rights. I told him that though the agency believes there are unperfected rights of access, that had not forcibly removed the barriers to access that the Reins and Carrocias put up. Chris talked of going through the locked gates anyway and I said that I could not offer him advice one way or another on the matter.

Chris was very frustrated at the gates and I described to him that that is how many public recreationists feel. I described that this road and trail system has been used by the public (and the publicly-funded USFS) for more than a century, and that this type of challenge to historic is becoming more common as hunting and other public lands activities are commoditized by outfitters and landowners.

/s/ Alex Sienkiewicz

Alex Corbly Sienkiewicz

District Ranger
Yellowstone Ranger District
Livingston & Big Timber, MT
Custer Gallatin National Forest
(406) 823-6066 LIV Ranger Station
(406) 932-5155 BIG T Work Center
(406) 930-2454 CELL

"...old trees just grow stronger, and old rivers grow wilder every day..."

File Code: 5460
Date: April 19, 2016

Mr. Joseph T. Swindlehurst, Esquire
Huppert, Swindlehurst, & Woodruff, P.C.
420 South Second Street
Livingston, Montana
59047

Dear Joe,

Thank you for your letter of 25 March, on behalf of your client Lee Langhuis and his family. I hope this letter finds you and Mr. Langhuis doing well and having a good spring. I put in more than half a dozen calls to Mr. Langhuis over the last six months due to complaints of blocked access on a century-old trail (to/through checkerboard national forest/private lands and prime elk hunting) from Montana public lands sportsmen and women. None of my messages were returned by Mr. Langhuis. Most recently, I have been told that your client has installed a trail camera on Trail 136, in his effort to intimidate users and ultimately extinguish public access rights that date back many decades.

Joe, as you know through your considerable tenure as a successful attorney here in Montana, many of these property disputes can de-escalate—and with creativity and diplomacy—find resolution if only they could begin with a conversation and a cup of coffee. Two people looking at one another eye to eye accomplish a whole lot more than do unreturned calls and communication through lawyers (no offense intended). Simply having a conversation with your client has been an objective of mine, to exchange perspectives, listen to one another respectfully, and see if we might make medicine. I have been disappointed he does not see fit to meet with me or return my calls. Of course I respect his and any citizen's right to obtain legal counsel.

As far as the trail at issue, it is a century-old trail, part of a century-old trail system that circumnavigates the Crazy Mountains, and connected historic U.S. Forest Service guard stations (many of which are now rental cabins). Indeed a Forest Guard Station once existed upon the trail at issue at its juncture in Big Timber Canyon. Historically, forest rangers rode their work hitches on this trail system, administering public lands grazing allotments to private ranchers, managing mineral activity, putting up timber sales, fighting fire, and maintaining access for hunting and fishing for all Americans who might seek to use their national forests. The public trail running through your client's ranch—and the public's use thereof—predates your client's tenure on the land by at least half a century. The Trail was historically known as Trail 115, and today holds the Trail number 136. It has always been on official forest maps and was vetted in such legally-mandated public processes as the 2006 Gallatin Forest Travel Plan. Over the last year, many sportsmen have contacted me and complained of a locked gate across Trail 136. The Forest Service has never relinquished any claim to this trail, and indeed our position is that this is an official system trail to which the agency and the public hold legal rights.

I acknowledge that in many cases, frontier rangers of yore did not secure recorded easements.



Perhaps as you suggest, this is one of those cases. Nonetheless, as you know, this does not then support the legal conclusion that public and its public land management agency have no legal claim on this trail. I have had reports of ATV patrolling and intimidation of hikers and hunters by your client and his agents. It has been related to me that your client asserts the public may only use Trail 136 by paying an \$800.00 fee to your client. Unfortunately, this sort of intimidation and bullying of those using century-old trails to public lands has become commonplace. It is typically done to prevent the public from accessing bull elk that outfitted ranches such as your client's seek to sell to wealthy hunters. It is sobering to note that these cases of land owners trying to shut-down traditional access to public lands (and the game animals thereupon) can lead to violence, and that a recent State of Montana murder prosecution was based on a dispute over a longstanding route to national forest lands, through private lands.

As the local Line Officer for the U.S. Forest Service, I work for the public at large. I never offer citizens recommendations of action or inaction, but merely state the Forest Service's position on various matters. In this case, when frustrated inquiries come in regarding Trail 136, indeed I do convey our position that this is a century-old public trail, and the public has every right to the continued use and enjoyment of this trail (subject to Travel Plan restrictions) as has always been the case. I would urge landowners to consider that there is a whole body of law that protects legal rights of access that may not find expression in a recorded easement. Your client's efforts to adversely extinguish public use have not been successful. Open and notorious public use continues as your client has articulated to you.

I do understand your client's position Joe, and would love to discuss matters further with either of you at any time. Perhaps there is a non-adversarial resolution to be found. There almost always is. We will never know unless we can have a conversation. My objective here is to get the public to their public lands via traditional routes, not to create an access out of thin air. It is an important matter. For most kids in Montana and in our Nation, the national forest is the only "ranch" they'll ever own. I take the duty of protecting traditional public access points very seriously.

Respectfully,

Alex Sienkiewicz



Thanks Joe.
Nice talking to
you the other day.
- Alex

From: [Taylor, Nancy -FS](#)
To: [Christiansen, Steve -FS](#)
Cc: [Sienkiewicz, Alex -FS](#)
Subject: FW: Trail 136 (115) Documentation of Maintenance
Date: Tuesday, March 14, 2017 10:17:25 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Please see below for the 2016 trail 136 maintenance documentation.



Nancy Taylor
Recreation and Wilderness Program Manager

Forest Service
Custer Gallatin National Forest
Yellowstone Ranger District

p: 406-823-6064
f: 406-222-2546
ntaylor02@fs.fed.us

5242 Highway 89 South
Livingston, MT 59047
www.fs.fed.us



Caring for the land and serving people

From: Sienkiewicz, Alex -FS
Sent: Wednesday, July 27, 2016 2:04 PM
To: FS-pdl r1 custer gallatin yellowstone <pd1_r1_custer_gallatin_yellowstone@ms.fs.fed.us>; FS-pdl r1 custer gallatin leadership team <pd1_r1_custer_gallatin_leadership_team@ms.fs.fed.us>; Oswald, Lauren M -FS <lmoswald@fs.fed.us>; FS-pdl r1 custer gallatin gardiner <pd1_r1_custer_gallatin_gardiner@ms.fs.fed.us>; Dennee, Robert L -FS <robertldennee@fs.fed.us>; Joy, Janne M -FS <jjoy@fs.fed.us>; Barclay, Eric -FS <ebarclay@fs.fed.us>; Hockelberg, Cindy -FS <chockelberg@fs.fed.us>
Subject: Trail 136 (115) Documentation of Maintenance

This documents for the record that:

Alex Sienkiewicz (USFS)
Nancy Taylor (USFS)
Nancy Schultz (Gallatin Wildlife)
Glen Schultz (Gallatin Wildlife)
Lou Goosey (Public Land & Water Access Association)
Herb Stoic (Laurel Rod and Gun Club)
Shawn Tripp (USFS)

Spent the day on 25 July , 2016 maintaining Trail 136 (formerly known as Trail 115) on the east side

F_East_000018

of the Crazy Mountains.

This trail is, at present, disputed.

We found new no trespassing signs, “smile you’re on camera signs”, and other signs meant to intimidate forest users and USFS employees. We removed aforementioned signs.

We also removed single strands of barbed wire rigged across the trail that would appear to have been meant as some sort of surprise or booby trap. One such wire was of a blue color and difficult to see in certain light.

In areas where the trail passed through meadows, there were forest service blaze posts that had been knocked down. We flagged the trail tread, which was very well worn as one would expect with a century old public trail. We encountered no other people. We also removed, rocks, logs, and branches from the trail prism.

/s/ Alex Sienkiewicz



Alex Corbly Sienkiewicz
District Ranger

Forest Service
Yellowstone Ranger District, Custer Gallatin National Forest

p: 406-823-6066

c: 406-930-2454

alexsienkiewicz@fs.fed.us

5242 HWY 89 South
Livingston, MT 59047

www.fs.fed.us



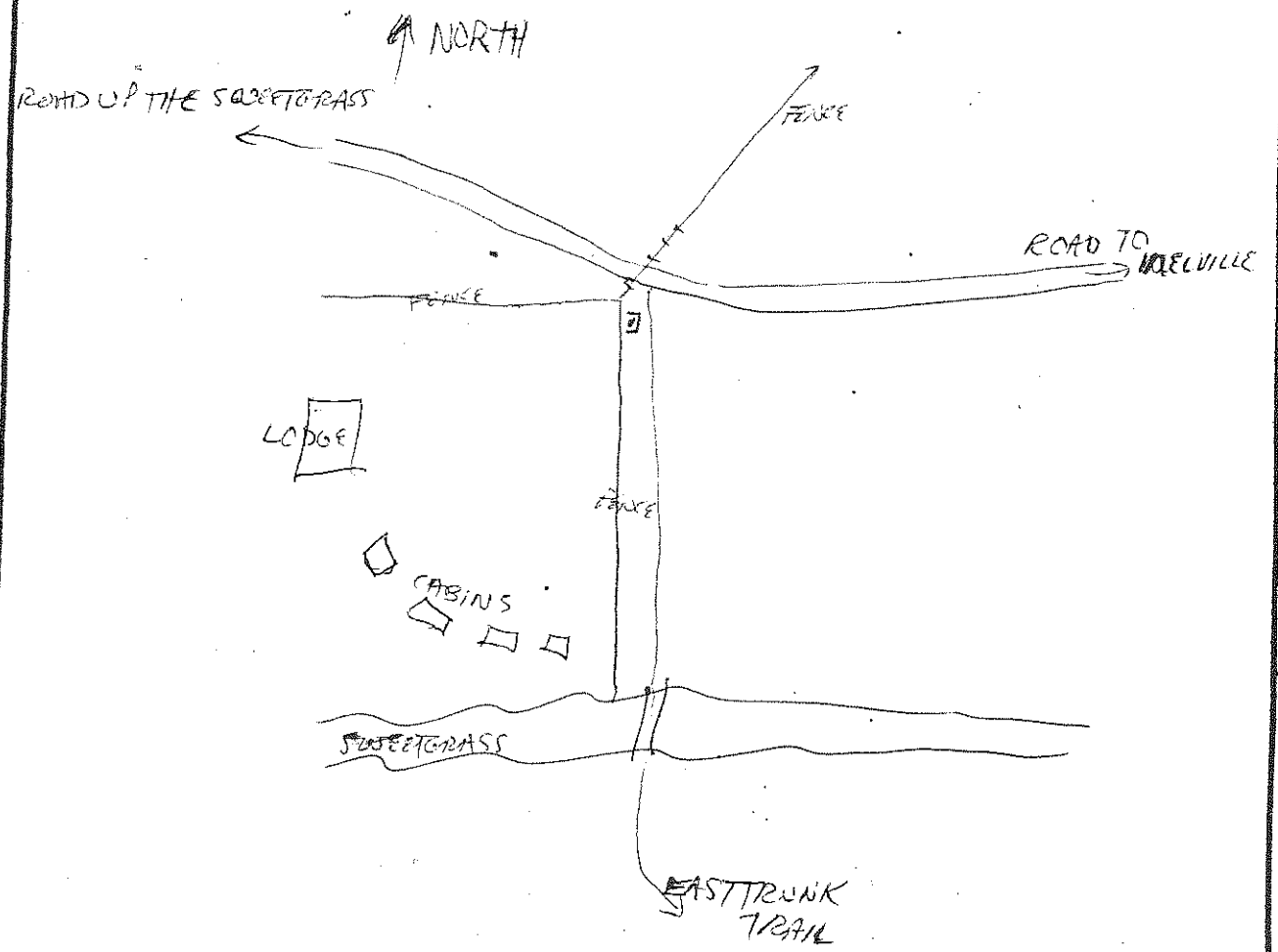
Caring for the land and serving people

TRAIL NAME <u>EAST TRUNK TRAIL</u> NO. <u>115</u>		Sheet <u> </u> Of <u> </u>
JUNCTION OR SIGN NO. <u>TRAIL HEAD</u> H.P. <u> </u>		By <u> </u>
WILDERNESS <input type="checkbox"/> NONWILDERNESS <input checked="" type="checkbox"/>		Approved <u> </u>

DATE PURCHASED <u> </u> A. <div style="border: 1px solid black; width: 150px; height: 60px; margin: 5px;"></div>	DATE PURCHASED <u> </u> B. <div style="border: 1px solid black; width: 150px; height: 60px; margin: 5px;"></div>	DATE PURCHASED <u> </u> C. <div style="border: 1px solid black; width: 150px; height: 60px; margin: 5px;"></div>
DATE INSTALLED <u> </u>	DATE INSTALLED <u> </u>	DATE INSTALLED <u> </u>

NEED SIGN AT TRAIL HEAD AT CARROCCIA'S RANCH ON THE SWEETGRASS

EAST TRUNK TRAIL NO. 115
 ← BIG TIMBER CAMPGROUND 9 →



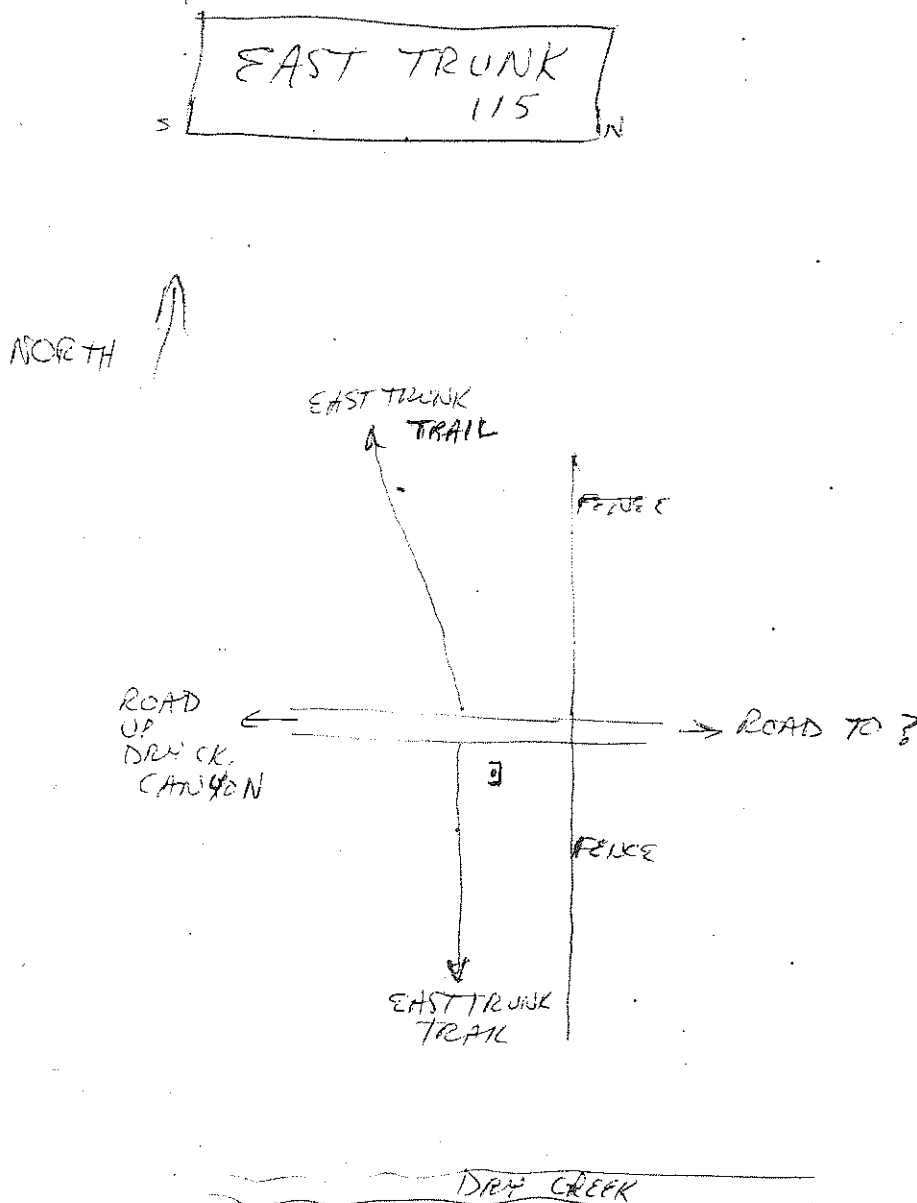
9a

TRAIL SIGN PLAN

Case 1:19-cv-00066-SPW-TJC Document 29-6 Filed 01/31/20 Page 41 of 53

TRAIL NAME <u>EAST TRUNK TRAIL</u> NO <u>115</u>		Sheet <u> </u> of <u> </u>
JUNCTION OR SIGN NO. <u> </u> M.F. <u> </u>		By <u> </u>
WILDERNESS <input type="checkbox"/> NONWILDERNESS <input checked="" type="checkbox"/>		Approved <u> </u>
<i>TREE</i>		
DATE PURCHASED <u> </u>	DATE PURCHASED <u> </u>	DATE PURCHASED <u> </u>
A. <div style="border: 1px solid black; width: 150px; height: 60px;"></div>	B. <div style="border: 1px solid black; width: 150px; height: 60px;"></div>	C. <div style="border: 1px solid black; width: 150px; height: 60px;"></div>
DATE INSTALLED <u> </u>	DATE INSTALLED <u> </u>	DATE INSTALLED <u> </u>

OLD METAL SIGN LOCATED BY ROAD GOING UP DRY CREEK:

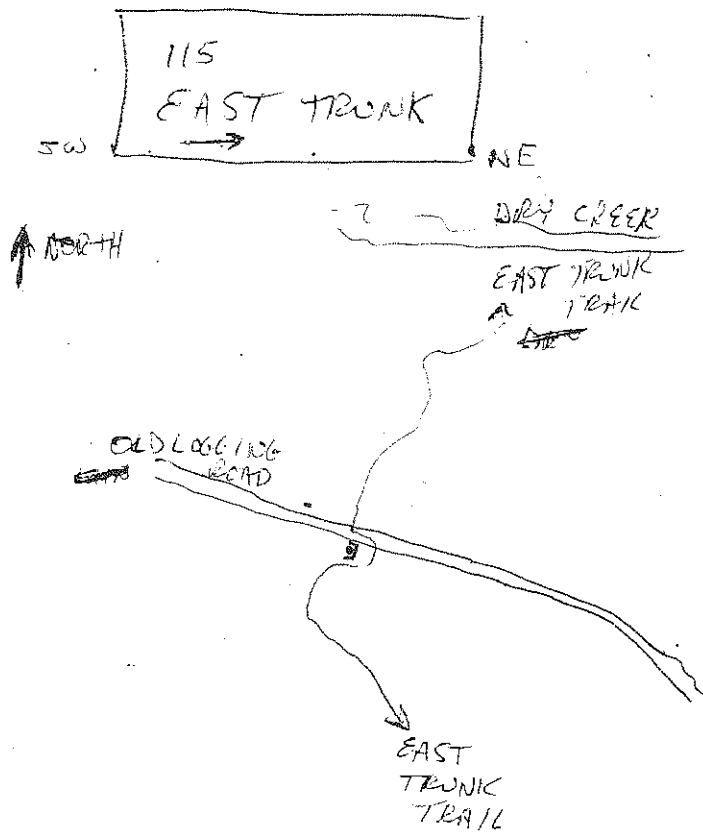


TRAIL SIGN PLAN

TRAIL NAME <u>EAST TRUNK</u> NO <u>115</u>	Sheet <u> </u> of <u> </u>
JUNCTION OR SIGN NO. <u> </u> M.P. <u> </u>	By <u> </u>
WILDERNESS <input type="checkbox"/> NONWILDERNESS <input checked="" type="checkbox"/>	Approved <u> </u>

DATE PURCHASED <u> </u>	DATE PURCHASED <u> </u>	DATE PURCHASED <u> </u>
A. <div style="border: 1px solid black; width: 150px; height: 60px;"></div>	B. <div style="border: 1px solid black; width: 150px; height: 60px;"></div>	C. <div style="border: 1px solid black; width: 150px; height: 60px;"></div>
DATE INSTALLED <u> </u>	DATE INSTALLED <u> </u>	DATE INSTALLED <u> </u>

OLD METAL SIGN LOCATED BY AN OLD LOGGING ROAD ABOUT 1/4 MILE SOUTH OF DRY CREEK:

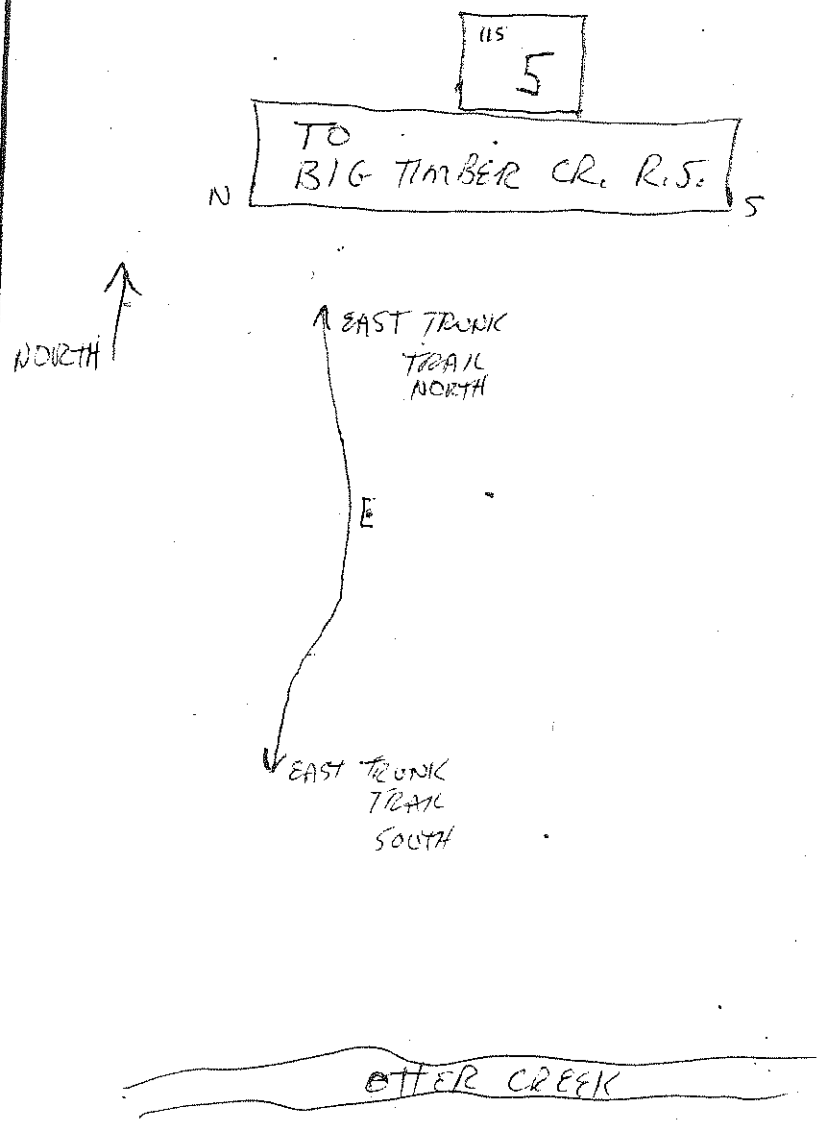


TRAIL SIGN PLAN

TRAIL NAME <u>EAST TRUNK TRAIL</u> NO. <u>115</u>		Sheet <u> </u> Of <u> </u>
JUNCTION OR SIGN NO. <u> </u> H.P. <u> </u>		By <u> </u>
WILDERNESS <input type="checkbox"/> NONWILDERNESS <input checked="" type="checkbox"/>		Approved <u> </u>

DATE PURCHASED <u> </u>	DATE PURCHASED <u> </u>	DATE PURCHASED <u> </u>
A. <div style="border: 1px solid black; width: 150px; height: 60px;"></div>	B. <div style="border: 1px solid black; width: 150px; height: 60px;"></div>	C. <div style="border: 1px solid black; width: 150px; height: 60px;"></div>
DATE INSTALLED <u> </u>	DATE INSTALLED <u> </u>	DATE INSTALLED <u> </u>

OLD METAL SIGNS LOCATED BY TRAIL AT MILE MARKER #5 (FROM BIG TIMBER CR.) THIS IS ABOUT 1/4 MILE NORTH OF OTTER CREEK



TRAIL NAME EAST TRUNK TRAIL NO 115

JUNCTION OR SIGN NO. TRAIL HEAD M.P. POST

WILDERNESS ☐ NONWILDERNESS ☒

Sheet of

By

Approved

DATE PURCHASED

DATE PURCHASED

DATE PURCHASED

A.

B.

C.

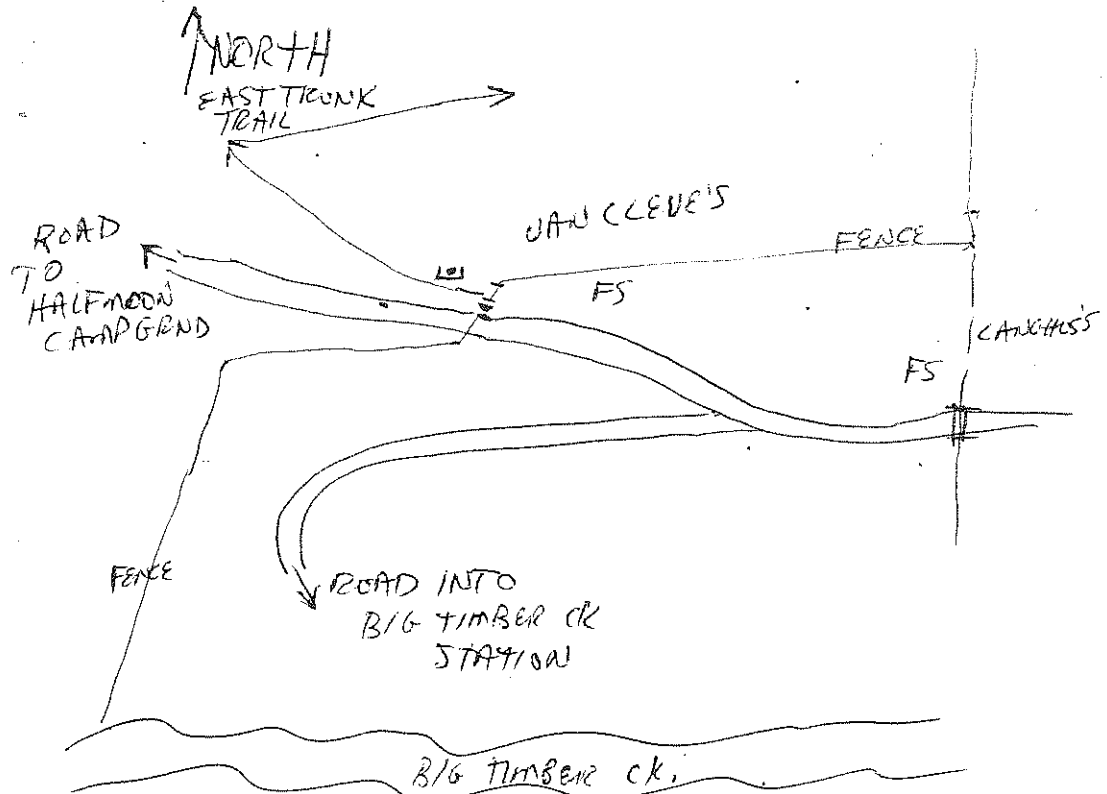
DATE INSTALLED

DATE INSTALLED

DATE INSTALLED

TRAIL HEAD SIGN FOR EAST TRUNK TRAIL ON BIG TIMBER CK.

EAST TRUNK TRAIL NO. 115
← SWEETGRASS CREEK 9



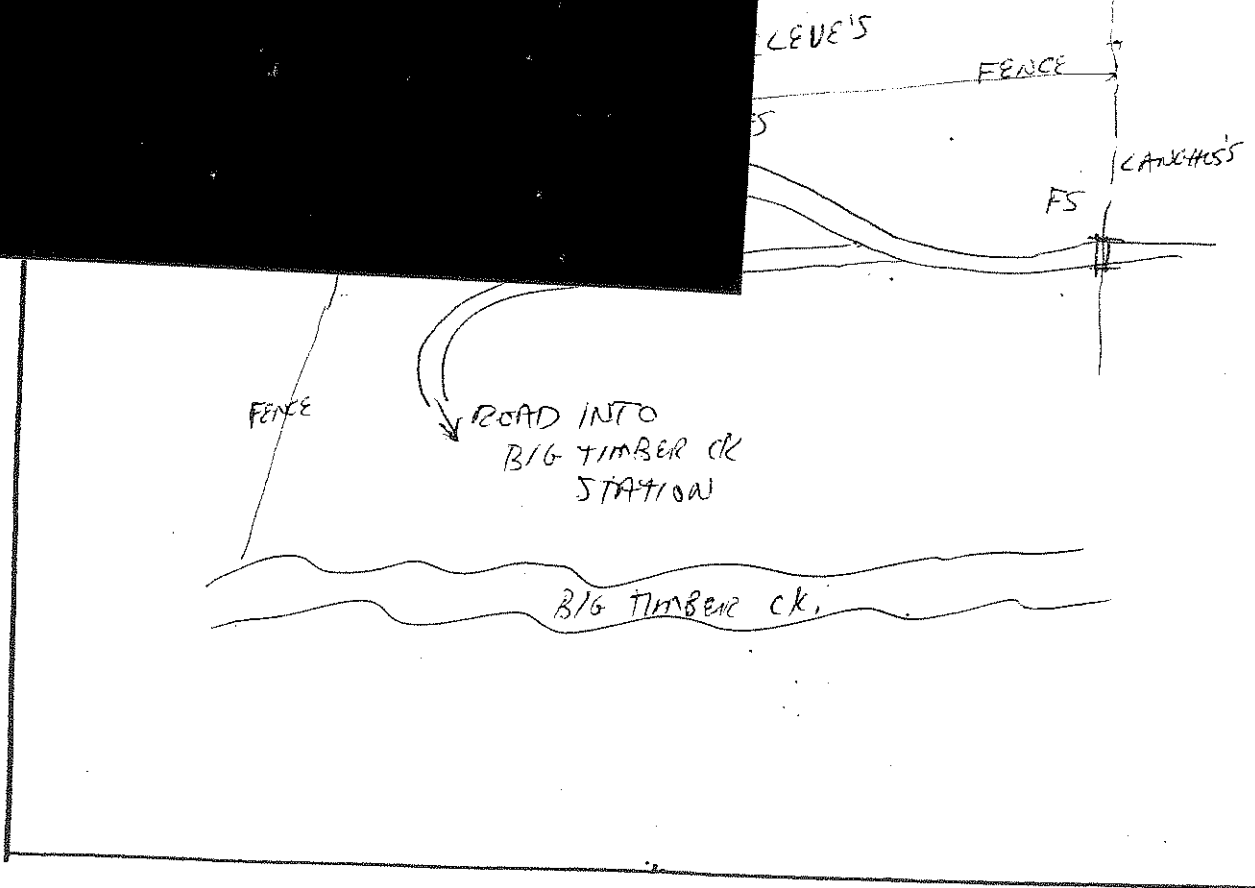
9c

Remove

TRAIL NAME <u>EAST TRUNK TRAIL</u> NO. <u>115</u>		Sheet <u>45</u> of <u>53</u>
JUNCTION OR SIGN NO. <u>TRAIL HEAD</u> M.P. <u>POST</u>		By _____
WILDERNESS <input type="checkbox"/> NONWILDERNESS <input checked="" type="checkbox"/>		Approved _____
DATE PURCHASED _____ A. <div style="border: 1px solid black; width: 150px; height: 60px; margin-top: 5px;"></div>	DATE PURCHASED _____ B. <div style="border: 1px solid black; width: 150px; height: 60px; margin-top: 5px;"></div>	DATE PURCHASED _____ C. <div style="border: 1px solid black; width: 150px; height: 60px; margin-top: 5px;"></div>
DATE INSTALLED _____	DATE INSTALLED _____	DATE INSTALLED _____
TRAIL HEAD SIGN FOR EAST TRUNK TRAIL ON BIG TIMBER CK.		

IL NO. 115
REEK 9

EAST TRUNK TRAIL NO. 115
SWEET GRASS CREEK 9



9 f

Remove

TRAIL SIGN PLAN

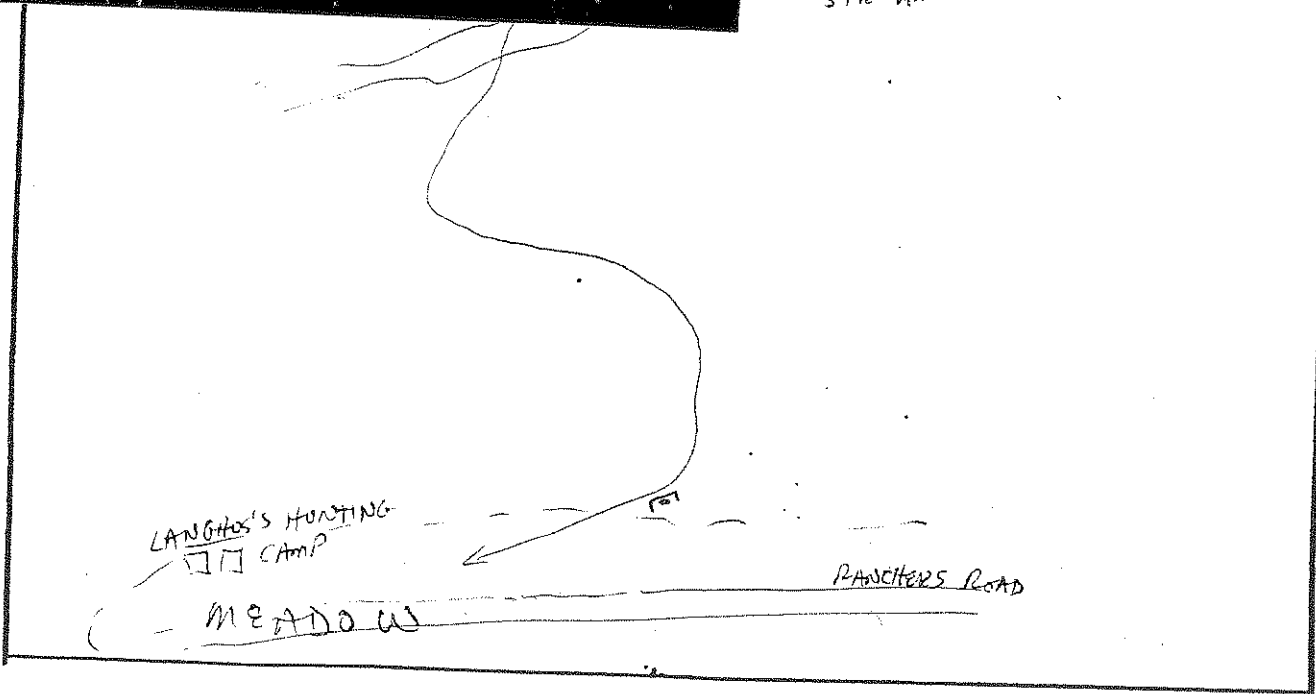
TRAIL NAME <u>EAST TRUNK TRAIL</u> NO. <u>115</u>		Sheet <u> </u> of <u> </u>
JUNCTION OR SIGN NO. <u> </u> H.P. <u> </u>		By <u> </u>
WILDERNESS <input type="checkbox"/> NONWILDERNESS <input checked="" type="checkbox"/>		Approved <u> </u>
TREE		
DATE PURCHASED <u> </u> A. <div style="border: 1px solid black; width: 100%; height: 60px; margin-top: 5px;"></div>	DATE PURCHASED <u> </u> B. <div style="border: 1px solid black; width: 100%; height: 60px; margin-top: 5px;"></div>	DATE PURCHASED <u> </u> C. <div style="border: 1px solid black; width: 100%; height: 60px; margin-top: 5px;"></div>
DATE INSTALLED <u> </u>	DATE INSTALLED <u> </u>	DATE INSTALLED <u> </u>
OLD METAL SIGN LOCATED BY MEADOW ON THE SOUTH SIDE OF OTHER CREEK ABOUT 1/8 MILE		
<div style="border: 1px solid black; width: 200px; height: 60px; margin: 0 auto; position: relative;"> 115 EAST TRUNK ← </div> <div style="display: flex; justify-content: space-between; width: 200px; margin: 5px auto;"> NE SW </div> <div style="text-align: center; margin-top: 10px;"> ↑ NORTH </div> <div style="margin-top: 20px;"> EAST TRUNK TRAIL NORTH ↖ </div> <div style="margin-top: 10px;"> OTHER CREEK </div> <div style="margin-top: 10px;"> INTERMITTENT STREAM BED </div> <div style="margin-top: 40px;"> LANGHOS'S HUNTING CAMP □ □ </div> <div style="margin-top: 10px;"> MEADOW </div> <div style="margin-top: 10px;"> PANCHERS ROAD </div>		

TRAIL NAME <u>EAST TRUNK TRAIL</u> NO. <u>115</u>		Sheet <u>47</u> of <u>53</u>
JUNCTION OR SIGN NO. _____ M.P. _____		By _____
WILDERNESS <input type="checkbox"/> NONWILDERNESS <input checked="" type="checkbox"/>		Approved _____
TREE		
DATE PURCHASED _____ A. <div style="border: 1px solid black; width: 150px; height: 60px; margin: 5px;"></div>	DATE PURCHASED _____ B. <div style="border: 1px solid black; width: 150px; height: 60px; margin: 5px;"></div>	DATE PURCHASED _____ C. <div style="border: 1px solid black; width: 150px; height: 60px; margin: 5px;"></div>
DATE INSTALLED _____	DATE INSTALLED _____	DATE INSTALLED _____

OLD METAL SIGN LOCATED BY MEADOW ON THE SOUTH SIDE OF



INTERMITTENT
STREAM BED

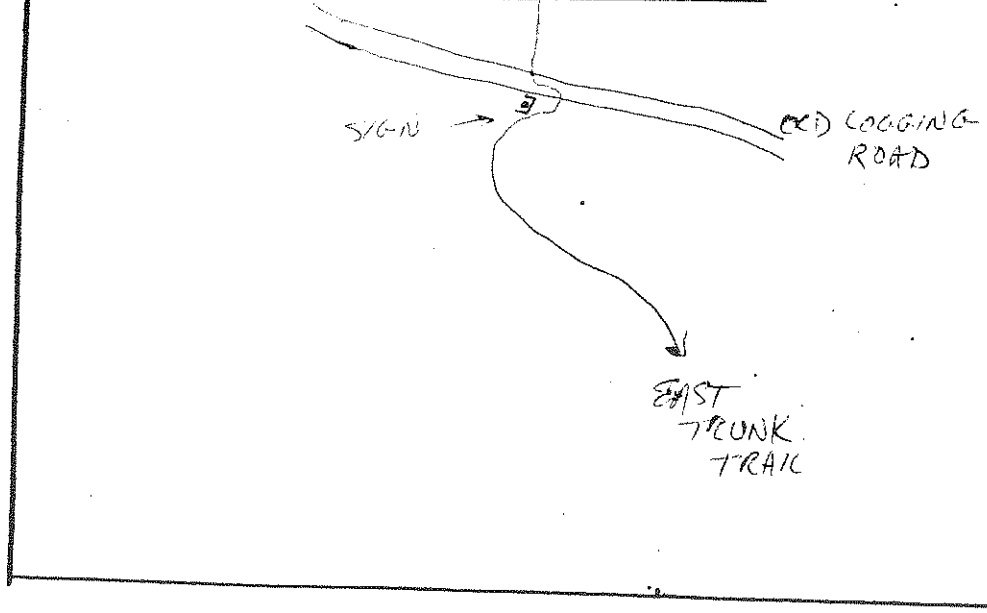
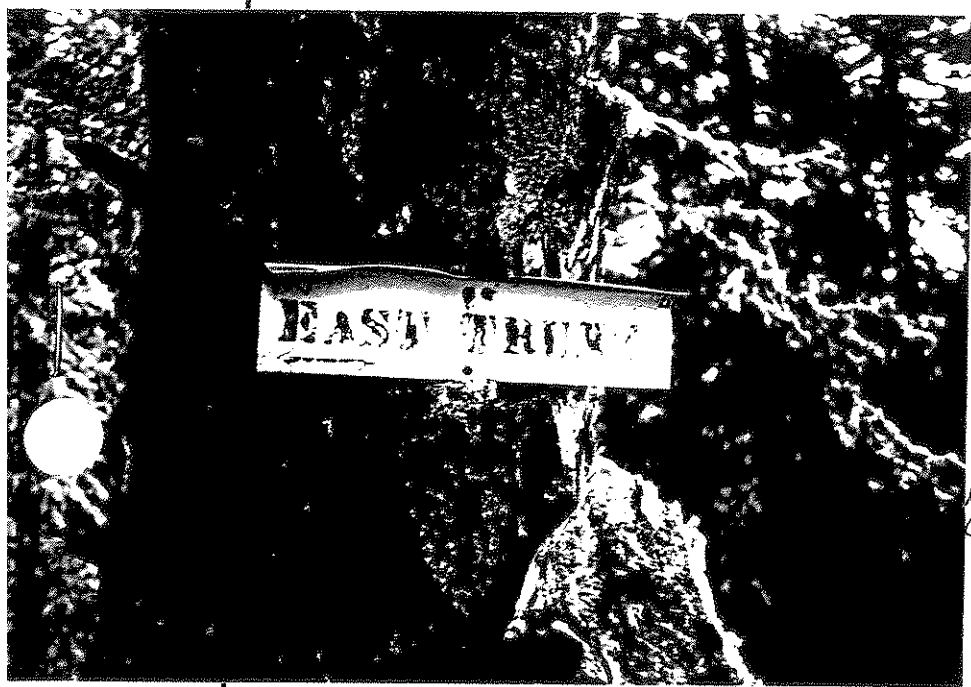


TRAIL NO. <u>115</u> Sheet <u>48</u> of <u>53</u>		
JUNCTION OR SIGN NO. _____ M.P. _____		
WILDERNESS <input type="checkbox"/> NONWILDERNESS <input checked="" type="checkbox"/>		
By _____ Approved _____		
DATE PURCHASED _____ A. <div style="border: 1px solid black; width: 100px; height: 60px; margin: 5px;"></div>	DATE PURCHASED _____ B. <div style="border: 1px solid black; width: 100px; height: 60px; margin: 5px;"></div>	DATE PURCHASED _____ C. <div style="border: 1px solid black; width: 100px; height: 60px; margin: 5px;"></div>
DATE INSTALLED _____	DATE INSTALLED _____	DATE INSTALLED _____
OLD METAL SIGN LOCATED ON TRAIL BY AN OLD LOGGING ROAD 1/4 MILE SOUTH OF DRY CREEK:		
<div style="margin-bottom: 20px;"> T TRUNK </div> <div style="display: flex; align-items: center; justify-content: center;"> <div style="text-align: right; margin-right: 10px;">SW</div> <div style="border: 1px solid black; padding: 10px; text-align: center;"> 115 EAST TRUNK ← → </div> <div style="text-align: left; margin-left: 10px;">NE</div> </div> <div style="margin-top: 20px;"> ↑ NORTH </div> <div style="margin-top: 40px;"> </div>		

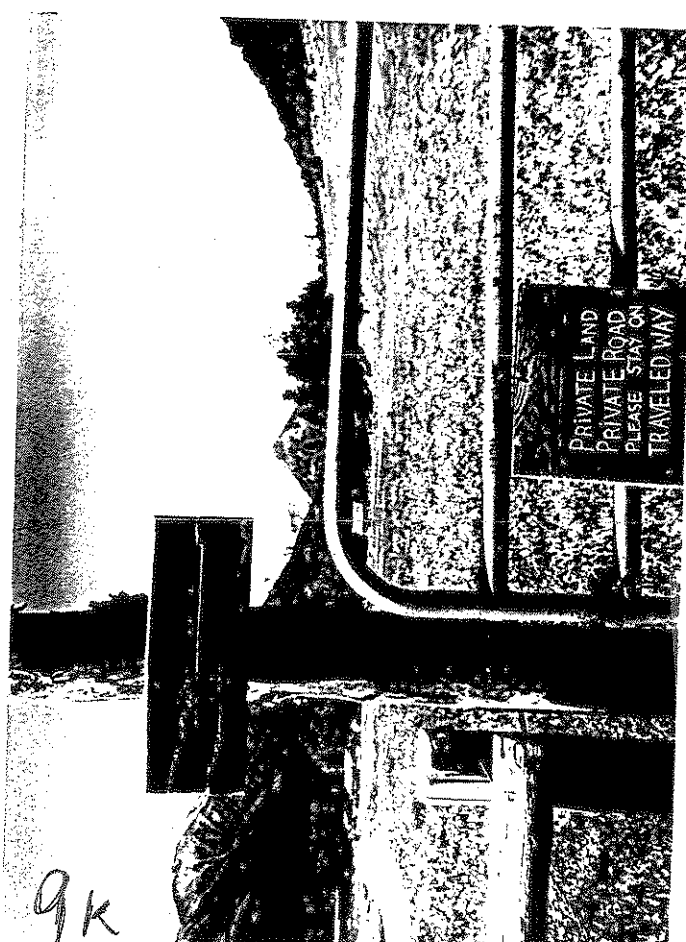
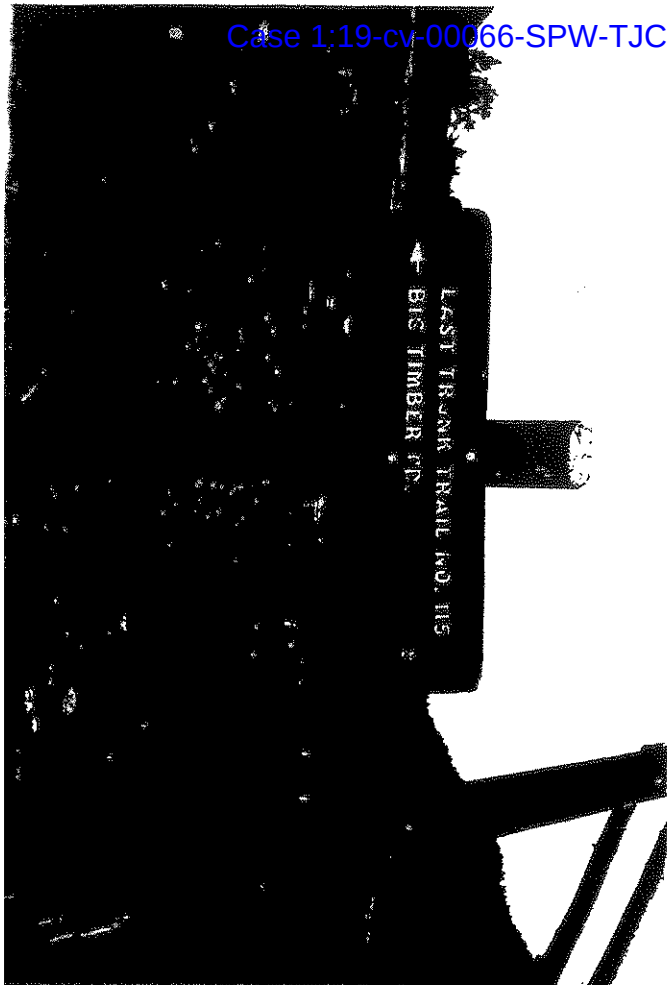
TRAIL NAME <u>EAST TRUNK TRAIL</u>		Sheet <u>49</u> of <u>53</u>
JUNCTION OR SIGN NO. _____ M.P. _____		By _____
WILDERNESS <input type="checkbox"/> NONWILDERNESS <input checked="" type="checkbox"/>		Approved _____
DATE PURCHASED _____ A. <div style="border: 1px solid black; width: 150px; height: 60px; margin-top: 5px;"></div>	DATE PURCHASED _____ B. <div style="border: 1px solid black; width: 150px; height: 60px; margin-top: 5px;"></div>	DATE PURCHASED _____ C. <div style="border: 1px solid black; width: 150px; height: 60px; margin-top: 5px;"></div>
DATE INSTALLED _____	DATE INSTALLED _____	DATE INSTALLED _____

TREE

OLD METAL SIGN LOCATED ON TRAIL BY AN OLD LOGGING ROAD
 1/4 MILE SOUTH OF DRY CREEK:



9 j.



SIGN LOCATED ON TRAIL NO. 123
JUST OVER DIVIDE TO SHIELDS RIVER. JUST PUT
UP IN 1987. JOSE SLEEPING.

SIGN MISSING IN 1988 - PUT UP
NEW SIGN IN 1988

START OF TRAIL NO. 115 FROM SWEETGRASS
CK. SIGN LOCATED AT CHARBONNIAIS WIDE
BRANCH.

SIGN MISSING IN 1988. NEED
NEW SIGN

Sienkiewicz, Alex -FS

From: Sienkiewicz, Alex -FS
Sent: Monday, August 22, 2016 4:01 PM
To: Taylor, Nancy -FS; Dennee, Robert L -FS; Oswald, Lauren M -FS; Erickson, Mary C -FS; McFarland, Elizabeth A -FS
Subject: Letter to File re: MOGA meeting and Chuck Rein

This letter to the file documents that on 17 August 2016, after the MOGA leadership meeting with Custer Gallatin NF leadership; Chuck Rein presented Alex Sienkiewicz and Mary Erickson with a copy of an EMAIL Alex had sent out to staff with CC to Forest Leadership Team. Rein complained that he was NOT trying to extinguish public access to public lands.

This email had subsequently been posted to PLWA's facebook page by an unknown 3rd party. The 6/28/2016 email follows:

All—This is my regular reminder:

NEVER ask permission to access the national Forest Service through a traditional route shown on our maps EVEN if that route crosses private land.

NEVER ASK PERMISSION; NEVER SIGN IN (concerns—come see me)

This includes BUT IS NOT LIMITED TO:

-Sweet Grass Creek (Carrocia Rein attempting to extinguish public access)

-Anywhere on the Lowline Trail (east and west Crazies) (Zimmerman, Guth, Groff, Langhuis and others trying to extinguish public access).

-Swamp Creek (Grosfield trying to extinguish public access)

-16 Mile north crazies

Whatever past DRs or colleagues have said, I am making it clear, DO NOT ASK permission and DO NOT ADVISE publics to ask permission. These are historic public access routes... By asking permission, one undermines public access rights and plays into their lawyers' trap of establishing a history of permissive access.

Again, questions, concerns, come see me.

Thank you—Alex

Mac Minard of MOGA also sat in on the conversation. Chuck Rein asserted that he was NOT trying to extinguish public

access, and stated as much firmly. Alex responded that when he (Rein) and the Carroccias locked gates across century-old roads like Sweetgrass Creek and put up signs drafted by lawyers stating that all access was "permissive"; that indeed he was working to extinguish public access to public lands. Both Mac Minnard and Chuck Rein asked Mary Erickson if she agreed with my (Alex's) position regarding never signing-in and never asking permission of private landowners at traditional forest access points, and Mary stated that she did support this position. All could see the parties were in disagreement, and Mr. Rein acknowledged that it would likely be unproductive to debate further. I asserted I was simply doing my job and that citizens expected me to defend public access. I noted that I was trying to "get kids to the their public lands" via traditional, century-old routes.

When the tension eased a bit, I invited Chuck to coffee or a meal to discuss possible alternative resolutions (including land exchanges or trading easements), and Chuck said he would consider it, but that "It's not just me up there" ... suggesting that the Carroccias and others are involved in the gating of the Sweetgrass Creek Road in multiple places.

I emphasize in this writing that the agency's and Rein's positions as regards this access point were "adverse" in nature in that Rein asserted any and all prospective visitors needed to ask his permission, While I (Sienkiewicz with Erickson's concurrence) asserted USFS and publics should indeed NEVER ask his permission NOR that of any other landowners (e.g., Carrocia, Cosgriff, Anderson) flanking traditional routes on the official forest map). I also asserted that USFS and publics need never sign in to access the forest via these traditional routes.

/s/ Alex Sienkiewicz



Alex Corbly Sienkiewicz
District Ranger

Forest Service
Yellowstone Ranger District, Custer Gallatin National Forest

p: 406-823-6066
c: 406-930-2454
alex sienkiewicz@fs.fed.us

5242 HWY 89 South
Livingston, MT 59047
www.fs.fed.us



Caring for the land and serving people



Alex Corbly Sienkiewicz
District Ranger

Forest Service
Yellowstone Ranger District, Custer Gallatin National Forest

p: 406-823-6066
c: 406-930-2454
alex sienkiewicz@fs.fed.us

5242 HWY 89 South
Livingston, MT 59047